

STATE OF SOUTH CAROLINA

IN THE SUPREME COURT

Appeal from York County

Honorable Frank R. Addy, Circuit Court Judge

RECEIVED
MAR -6 2017
S.C. SUPREME COURT

BRAQUETTE WYKINA WALTON,

PETITIONER

V.

STATE OF SOUTH CAROLINA,

RESPONDENT

APPELLATE CASE NO 2016-001570

APPENDIX

KATHRINE H. HUDGINS
Appellate Defender

South Carolina Commission on Indigent
Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589
(803) 734-1330

ATTORNEY FOR PETITIONER

ALAN WILSON
Attorney General

JUSTIN HUNTER
Assistant Attorney General
Rembert Dennis Building
1000 Assembly Street
Room 519
Columbia, SC 29201

ATTORNEYS FOR RESPONDENT

INDEX

INDEX.....	i
TRAIL TRANSCRIPT DATED OCTOBER 29- NOVEMBER 1, 2012	1
POST TRIAL MOTION TRANSCRIPT DATED NOVEMBER 5, 2012	1,005
INDICTMENTS AND SENTENCE SHEETS	1,009
APPLICATION FOR POST-CONVICTION RELIEF FILED MARCH 24, 2015.....	1,045
RETURN DATED AUGUST 7, 2015.....	1,053
POST-CONVICTION RELIEF HEARING DATED APRIL 19, 2016.....	1,059
ORDER OF DISMISSAL FILED JULY 13, 2016	1,114

1 MR. WALTON: Thank you.

2 THE COURT: I appreciate those remarks.

3 MR. WALTON: Yes, sir.

4 MS. ANDERSON: And, Your Honor, Ms. Walton does wish
5 to address you. Your Honor, we would just ask for her to
6 have to be taken into consideration her lack of record,
7 her age, and any leniency Your Honor can give and you if
8 would hear from Ms. Walton.

9 THE COURT: Ms. Walton.

10 THE DEFENDANT: I want to first just apologize to the
11 family. I cared and took care of Ms. Cook, and I would
12 have never did anything to hurt her. I know what
13 everybody said, but it's not true. I wouldn't have done
14 anything like that. I wouldn't have hurt anybody. I was
15 not only an employee at Park Pointe, I was also an
16 employee at White Oak Manner. It's a skilled facility
17 too, and they all knew me there. I would never hurt
18 anybody in my life. I don't know -- I'm unwell right now.

19 I've never had an altercation or physical fight,
20 anything like that. And I've lost my own grandmother, so
21 that's the reason I went into healthcare, to take care of
22 people. And I'm not a bad person, and I don't want you
23 all to think of me as a monster. I'm not. I would have
24 never -- I wouldn't -- and I have a son, and I was a
25 single parent to him, sir. I worked two jobs and just

1002

1 trying to take care of him.

2 And I just don't want -- it's a lot, and I just want
3 to say I didn't speak because I felt like I didn't need
4 to, you know, to say anything, but I just -- I just didn't
5 do it, and I'm sorry, but I didn't do it. I would have
6 never hurt her. It's not in me. I would have never done
7 that. And not that I lost my family, my son.

8 And like I said, I've been here for over a year in
9 solitary, in a room because I figure I -- you know,
10 everybody would get situated out and they would, you
11 know -- they would find who this was and they just pinned
12 it on me, and I'm left here. And I just -- I just want to
13 say I would never hurt anybody. I even took care of one
14 of the correctional officer's mothers at one of -- at
15 White Oak Manner. And if Neva would -- I don't have a
16 background. You can ask the coworkers that I worked with.
17 I was not a person like that. I just wanted to speak at
18 least. And just -- that's all.

19 THE COURT: All right. I think the facts fully
20 support the verdict. And someone starts taking advantage
21 of an elderly person, forging checks, stealing their
22 money, no good is going to come out of it. Fortunately
23 rarely does it come to this end. Unfortunately in this
24 case, it did. Giving you credit on all these 354 days,
25 they're all to run concurrent, sentence on murder is life

1 in prison; burglary, 30 years; on all the others, 5 years,
2 and they're all to run concurrent. Thank you.

3 MR. BRACKETT: Thank you, Your Honor.

4 THE COURT: Anything else from the State?

5 MR. BRACKETT: No, Your Honor.

6 THE COURT: Defense?

7 MR. SMITH: No, Your Honor.

8 THE COURT: We'll stand adjourned until tomorrow
9 morning at 10:00.

10 (Whereupon, the proceedings were concluded.)

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1004

CERTIFICATE OF REPORTER:

STATE OF SOUTH CAROLINA)

COUNTY OF YORK)

I, Aminah R. Hardy, RPR, Official Court Reporter
for the 16th Judicial Circuit of the State of South
Carolina, do hereby certify that the foregoing is a true,
accurate and complete Transcript of Record of the
proceedings had and evidence introduced in the trial of
the captioned case, relative to appeal, in the Court of
General Sessions for York County, South Carolina, on the
October 29th - November 1st, 2012.

February 21st, 2013



Aminah R. Hardy, RPR

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STATE OF SOUTH CAROLINA.

-----x

STATE,

Plaintiff,

Case No.

-against-

12-GS-0865-0871;

BRAQUETTE WYKINA WALTON,

12-GS-46-3015-3018,883

Defendant.

-----x

November 52012

York, S.C.

B E F O R E:

HONORABLE JOHN C. HAYES, III

A P P E A R A N C E S:

KEVIN BRACKETT, Esquire

Solicitor for the State

ASHLEY ANDERSON, Esquire

Attorney for the Defendant

Aileen Butler

Official Court Reporter

1 THE COURT: We are going on the record on
2 Braquette. Braquette Wykina Walton, who was
3 tried last week and found guilty of several
4 charges including abuse and neglect resulting in
5 the death of a vulnerable adult.

6 At the end of the trial counsel for Miss
7 Walton made a motion. The motion was basically
8 that finding of death of vulnerable adult based
9 on abuse and neglect was inconsistent with the
10 finding on the murder charge in which she was
11 also found guilty. Actually very consistent and
12 not inconsistent.

13 My concern was whether or not under the
14 Blockburger test there could be successive
15 sentencing. I did some research and I
16 particularly read the case -- a case of mine out
17 of Cherokee County, the Easler case and based on
18 that I think it is clear that Miss Walton can be
19 sentenced to both murder and death of a
20 vulnerable adult based on abuse and neglect. So
21 I would sentence her this morning.

22 Anything else from the State?

23 MR. BRACKETT: No, sir, Your Honor.

24 THE COURT: Miss Anderson, anything on
25 behalf of Miss Walton?

1 MS. ANDERSON: No, Your Honor. Your Honor
2 heard the mitigation we presented. We would
3 remind Your Honor just that Miss Walton is
4 entitled to 354 days of credit and we would in
5 addition to the mitigation presented last week in
6 front of Your Honor ask for concurrent sentencing
7 on this charge.

8 THE COURT: Miss Walton, anything else you
9 wants to say.

10 THE DEFENDANT: No.

11 THE COURT: All right. Sentence is thirty
12 years to run concurrent with your sentences from
13 last Thursday. That was the first, correct?

14 MS. ANDERSON: November first, Your Honor.

15 THE COURT: All right. To run concurrent.
16 I will give you credit for you 354 four days.

17 MS. ANDERSON: Thank you, Your Honor.

18 MR. BRACKETT: Thank you, Your Honor.

19 * * * *

20 (END OF TRANSCRIPT)

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C E R T I F I C A T E

I, the undersigned Aileen Butler, Official Court Reporter for the 16TH Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete transcript of record of all the proceedings in the captioned case, in the Circuit Court for York County, South Carolina, on the 5th day of November, 2012.

I do further certify that I am neither of kin, counsel, nor interest to any party hereto.

January 2, 2012

WITNESSES

RHPD / Cantey

ARREST WARRANT NUMBER

J134360

ACTION OF GRAND JURY

TRUE BILL

Paul Vol
Foreperson of Grand Jury

2/16/12

VERDICT

Guilty

Karen D Cox
Foreperson of Petit Jury

Date: Nov. 1, 2012

DOCKET NO. 2012-GS-46- 00865

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

FEBRUARY 16 , TERM 2012

THE STATE

VS.

BRAQUETTE WYKINA WALTON

Indictment for

MURDER

SC Code: § 16-3-10
CDR Code: 0116

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA
COUNTY OF YORK

INDICTMENT

At a Court of General Sessions, convened on February 16, 2012, the Grand Jurors of York County present upon their oath:

MURDER

Braquette Wykina Walton did in York County on or about November 12, 2011, unlawfully and with malice aforethought kill Pauline Cook by suffocation and that Pauline Cook died as a proximate result thereof, all in violation of Section 16-3-10, *Code of Laws of South Carolina* (1976), as amended. The murder occurred at Room [REDACTED] Park Pointe Assisted Living Facility in Rock Hill, South Carolina.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC
2012 NOV -2 AM 11:35
CERTIFIED TRUE COPY

Willy Thompson
DEPUTY SOLICITOR

WITNESSES

RHPD / Dugan

ARREST WARRANT NUMBER

J134350

ACTION OF GRAND JURY

TRUE BILL

Paul Vich
Foreperson of Grand Jury
Date: *2/16/12*

VERDICT

Guilty

Karen D Cox
Foreperson of Petit Jury
Date: *Nov. 1, 2012*

DOCKET NO. 2012-GS-46- 00866

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

FEBRUARY 16, TERM 2012

THE STATE

VS.

BRAQUETTE WYKINA WALTON

Indictment for
EXPLOITATION OF A
VULNERABLE ADULT

SC Code: § 16-3-1050 (D)
CDR Code: 3205

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on February 16, 2012, the Grand Jurors of York County present upon their oath:

EXPLOITATION OF A VULNERABLE ADULT

Braquette Wykina Walton did in York County on or about October 12, 2011, knowingly and willfully exploit Pauline Cook, a vulnerable adult. Braquette Wykina Walton improperly, unlawfully or without authorization used funds, assets or property belonging to Pauline Cook, a vulnerable adult, for Ms. Walton's own profit or advantage. This crime occurred in Rock Hill, South Carolina; all in violation of Section 16-3-1050 (D) Code of Laws of South Carolina (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such

case made and provided.

CLERK OF COURT
DAVID HAMILTON
2012 NOV -2- AM 11:06
CERTIFIED TRUE COPY

Villy Thompson
DEPUTY SOLICITOR

WITNESSES

RHPD / DUGAN

ARREST WARRANT NUMBER

J134331 (Amended Indi)

True Bill ACTION OF GRAND JURY
151 PAUL VERAUN 2-16-12

TRUE BILL

Paul Ver
Foreperson of Grand Jury

VERDICT

Guilty

Karen ID Cox
Foreperson of Petit Jury

Date: Nov. 1, 2012

Amended Indictment
DOCKET NO. 2012-GS-46- 00867

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

AUGUST 16, TERM 2012

THE STATE

vs.

BRAQUETTE WYKINA WALTON

Indictment for

FORGERY AND UTTERING

SC Code: § 16-13-10

CDR Code: 3436

After being fully advised as to my
legal rights, I hereby waive presentment
to the Grand Jury.

Defendant

I
hereby appear in my own proper person and plead
guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on ^{PAV} August 16, 2012, the Grand Jurors of York County present upon their oath:

FORGERY AND UTTERING

Braquette Wykina Walton did in York County on or about October 12, 2011, willfully and unlawfully forge or cause or procure to be forged an instrument of writing. To-wit: Braquette Wykina Walton forged or caused or procured to be forged, a check made payable to herself and drawn on the account of Pauline Cook in the amount of \$380.00. Further, Braquette Wykina Walton, knowingly uttered or published the forged check as true to Woodforest Bank at Rock Hill, South Carolina, all in violation of Section 16-13-10, Code of Laws of South Carolina (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


DEPUTY SOLICITOR

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC
2012 NOV -2 AM 11:36
CERTIFIED TRUE COPY

WITNESSES

Tega Cay PD / Truesdale

ARREST WARRANT NUMBER

K694005

ACTION OF GRAND JURY
TRUE BILL

Paul W.
Foreperson of Grand Jury

2/16/12

VERDICT

Guilty

Karen D. Cox
Foreperson of Petit Jury

Date: Nov. 1, 2012

DOCKET NO. 2012-GS-46-00868

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

FEBRUARY 16. TERM 2012

THE STATE

vs.

BRAQUETTE WYKINA WALTON

Indictment for

FORGERY AND UTTERING

SC Code: § 16-13-10
CDR Code: 3436

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT.

At a Court of General Sessions, convened on February 16, 2012,
York County present upon their oath:

FORGERY AND UTTERING

Braquette Wykina Walton did in York County on or about October 19, 2011, willfully and unlawfully forge or cause or procure to be forged an instrument of writing. To-wit: Braquette Wykina Walton forged or caused or procured to be forged, check number 1968 made payable to herself and drawn on the BB&T account of Pauline Cook in the amount of \$300.00. Further, Braquette Wykina Walton, knowingly uttered or published the forged check as true to Woodforest Bank in Tega Cay, South Carolina, all in violation of Section 16-13-10, Code of Laws of South Carolina (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

Willy Thompson
DEPUTY SOLICITOR

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC
2012 NOV -2 AM 11:06
CERTIFIED TRUE COPY

WITNESSES

Tega Cay PD / Truesdale

ARREST WARRANT NUMBER

K694006

ACTION OF GRAND JURY

TRUE BILL

Paul W.
Foreperson of Grand Jury

2/16/12

VERDICT

Guilty

Hazen D. Cox
Foreperson of Petit Jury

Date: Nov. 1, 2012

DOCKET NO. 2012-GS-46- *00869*

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

FEBRUARY 16, TERM 2012

THE STATE

vs.

BRAQUETTE WYKINA WALTON

Indictment for

FORGERY AND UTTERING

SC Code: § 16-13-10
CDR Code: 3436

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on February 16, 2012, the Grand Jurors of York County present upon their oath:

FORGERY AND UTTERING

Braquette Wykina Walton did in York County on or about October 24, 2011, willfully and unlawfully forge or cause or procure to be forged an instrument of writing. To-wit: Braquette Wykina Walton forged or caused or procured to be forged, check number 1967 made payable to herself and drawn on the BB&T account of Pauline Cook in the amount of \$325.00. Further, Braquette Wykina Walton, knowingly uttered or published the forged check as true to Woodforest Bank in Tega Cay, South Carolina, all in violation of Section 16-13-10, Code of Laws of South Carolina (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


DEPUTY SOLICITOR

2012 NOV -2 AM 11:37
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC
CERTIFIED TRUE COPY

WITNESSES

Tega Cay PD / Truesdale

ARREST WARRANT NUMBER

K694007

ACTION OF GRAND JURY

TRUE BILL

Paul V...
Foreperson of Grand Jury

2/16/12

VERDICT

Guilty

Karen D. Cox
Foreperson of Petit Jury

Date: Nov. 1, 2012

DOCKET NO. 2012-GS-46-

00870

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

FEBRUARY 16, TERM 2012

THE STATE

vs.

BRAQUETTE WYKINA WALTON

Indictment fo

FORGERY AND UTTERING

SC Code: § 16-13-10
CDR Code: 3436

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

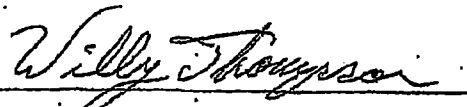
INDICTMENT

At a Court of General Sessions, convened on February 16, 2012, the Grand Jurors of York County present upon their oath:

FORGERY AND UTTERING

Braquette Wykina Walton did in York County
1, 2011, willfully and unlawfully forge or cause or procure to be forged an instrument of writing. To-wit: Braquette Wykina Walton forged or caused or procured to be forged, check number 1976 made payable to herself and drawn on the BB&T account of Pauline Cook in the amount of \$275.00. Further, Braquette Wykina Walton, knowingly uttered or published the forged check as true to Woodforest Bank in Tega Cay, South Carolina, all in violation of Section 16-13-10, Code of Laws of South Carolina (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


DEPUTY SOLICITOR

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC
2012 NOV -2 AM 1:57
CERTIFIED TRUE COPY

WITNESSES

Tega Cay PD / Truesdale

ARREST WARRANT NUMBER

K694008

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury

VERDICT

Guilty

Foreperson of Petit Jury

Date: Nov. 1, 2012

DOCKET NO. 2012-GS-46-

00821

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

FEBRUARY 16, TERM 2012

vs.

B

Indictment for

FORGERY AND UTTERING

SC Code: § 16-13-10

CDR Code: 3436

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)

INDICTMENT

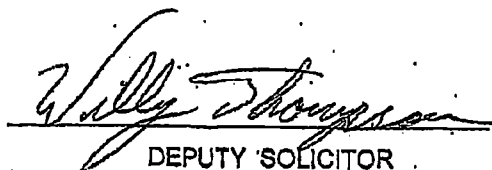
COUNTY OF YORK)

At a Court of General Sessions, convened on February 16, 2012, t
York County present upon their oath:

FORGERY AND UTTERING

Braquette Wykina Walton did in York County o
9, 2011, willfully and unlawfully forge or cause or procure to be forged an
instrument of writing. To-wit: Braquette Wykina Walton forged or caused
or procured to be forged, check number 1984 made payable to herself and
drawn on the BB&T account of Pauline Cook in the amount of \$335.00.
Further, Braquette Wykina Walton, knowingly uttered or published the
forged check as true to Woodforest Bank. In Tega
Cay, South Carolina, all in violation of Section 16-13-10, Code of Laws of
South Carolina (1976), as amended.

made and provided.


DEPUTY SOLICITOR

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC
2012 NOV -2: AM 11: 07
CERTIFIED TRUE COPY

WITNESSES

RHPD / Dugan

ARREST WARRANT NUMBER

DIRECT INDICTMENT - RE: J134360

ACTION OF GRAND JURY

TRUE BILL

Paul V. L.
Foreperson of Grand Jury
Date: 2/16/12

VERDICT

Guilty

Karen D. Cox
Foreperson of Petit Jury
Date: Nov. 1, 2012

DOCKET NO. 2012-GS-46-00883

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

FEBRUARY 16, TERM 2012

THE STATE

vs.

BRAQUETTE WYKINA WALTON

Indictment for
ABUSE OR NEGLECT OF A
VULNERABLE ADULT
RESULTING IN DEATH

SC Code: § 16-3-1050 (F)
CDR Code: 2659

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on February 16, 2012, the Grand Jurors of York County present upon their oath:

**ABUSE OR NEGLECT OF A VULNERABLE ADULT RESULTING IN
DEATH**

Braquette Wykina Walton did in York County on or about November 12, 2011, knowingly and willfully abuse and/or neglect Pauline Cook, a vulnerable adult, resulting in Mrs. Cook's death. The crime occurred in Room [REDACTED] of the Park Pointe Assisted Living facility located at [REDACTED] in Rock Hill, South Carolina; all in violation of Section 16-3-1050 (F) *Code of Laws of South Carolina* (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

FILED NOV 7 AM 11:13

RECEIVED 11-07-11

Willy Thompson
DEPUTY SOLICITOR

WITNESSES

RHPD / Ayers

ARREST WARRANT NUMBER

Direct Indictment - RE: J134360

ACTION OF GRAND JURY

TRUE BILL

Paul J. H.
Foreperson of Grand Jury
8/16/12

VERDICT

Guilty

Barbara D. Cox
Foreperson of Petit Jury

Date:

Nov. 1, 2012

Direct Indictment
DOCKET NO. 2012-GS46-03015

The State of South Carolina
County of York

COURT OF GENERAL SESSIONS

AUGUST 16, TERM 2012

THE STATE

vs.

BRAQUETTE WYKINA WALTON

Indictment for

BURGLARY FIRST DEGREE

SC Code: 16-11-311
CDR Code: 0079

After being fully advised as to my LEGAL rights, I hereby waive presentment TO the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

G.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on August 16, 2012, the Grand Jurors of York County present upon their oath:

BURGLARY FIRST DEGREE

Braquette Wykina Walton did in York County on or about November 12, 2011, willfully and unlawfully enter the dwelling of Pauline Cook located at Room [REDACTED], in the City of Rock Hill, South Carolina. Braquette Wykina Walton entered without consent and with the intent to commit a crime therein. The entering or remaining occurred in the nighttime and/or the defendant caused physical injury to Pauline Cook who was not a participant in the crime. All in violation of Section 16-11-311, Code of Laws of South Carolina (1976), as amended.

made and provided.


DEPUTY SOLICITOR

2012 NOV -2 AM 11:50
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC
CERTIFIED TRUE COPY

WITNESSES

Tega Cay PD

ARREST WARRANT NUMBER

Direct Indictment

ACTION OF GRAND JURY

TRUE BILL

Paul M
Foreperson of Grand Jury

8/16/12

VERDICT

Guilty

Helen D Cox
Foreperson of Petit Jury

Date: *Nov. 1, 2012*

Direct Indictment
DOCKET NO. 2012-GS-46- *03016*

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

AUGUST 16, TERM 2012

THE STATE

vs.

BRAQUETTE WYKINA WALTON

Indictment for

FORGERY AND UTTERING

SC Code: § 16-13-10
CDR Code: 3436

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

INDICTMENT

At a Court of General Sessions, convened on August 16, 2012, the Grand Jurors of York County present upon their oath:

FORGERY AND UTTERING

Braquette Wykina Walton, did in York County on or about September , 2011, willfully and unlawfully forge or cause or procure to be forged an instrument of writing. To-wit: Braquette Wykina Walton forged or caused or procured to be forged, check number 1934 made payable to herself and drawn on the BB&T account of Pauline Cook in the amount of \$350.00. Further, Braquette Wykina Walton, knowingly uttered or published the forged check as true to Woodforest National Bank at

Tega Cay, South Carolina, all in violation of Section 16-13-10, *Code of Laws of South Carolina* (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


DEPUTY SOLICITOR

2012 NOV -2 AM 11:38
CERTIFIED TRUE COPY
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY
SOUTH CAROLINA

WITNESSES

Rock Hill PD / Dugan

ARREST WARRANT NUMBER

Direct Indictment

ACTION OF GRAND JURY

TRUE BILL

Paul M.
Foreperson of Grand Jury

8/16/12

VERDICT

Guilty

Baren D Cox
Foreperson of Petit Jury

Date: Nov. 1, 2012

Direct Indictment
DOCKET NO. 2012-GS-46-

03017

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

AUGUST 16, TERM 2012

THE STATE

vs.

BRAQUETTE WYKINA WALTON

Indictment for

FORGERY AND UTTERING

SC Code: § 16-13-10
CDR Code: 3436

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA
COUNTY OF YORK

: INDICTMEN

At a Court of General Sessions, convened on August 16, 2012, the Grand Jurors of York County present upon their oath:

FORGERY AND UTTERING

Braquette Wykina Walton, did in York County on or about September 20, 2011, willfully and unlawfully forge or cause or procure to be forged an instrument of writing. To-wit: Braquette Wykina Walton forged or caused or procured to be forged, check number 1916 made payable to herself and drawn on the BB&T account of Pauline Cook in the amount of \$475.00. Further, Braquette Wykina Walton, knowingly uttered or published the forged check as true to Woodforest National Bank at in the City of Rock Hill, South Carolina, all in violation of Section 16-13-10, Code of Laws of South Carolina (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


DEPUTY SOLICITOR

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

2012 NOV -2 AM 11:38

RECEIVED TRUE COPY

WITNESSES

Rock Hill PD / Dugan

ARREST WARRANT NUMBER

Direct Indictment

ACTION OF GRAND JURY

TRUE BILL

Pat Vh
Foreperson of Grand Jury
8/16/12

VERDICT

Guilty

Karen D Cox
Foreperson of Petit Jury
Date: Nov. 1, 2012

Direct Indictment
DOCKET NO. 2012-GS-46- 03018

The State of South Carolina

County of York

COURT OF GENERAL SESSIONS

AUGUST 16, TERM 2012

THE STATE

vs.

BRAQUETTE WYKINA WALTON

Indictment for

FORGERY AND UTTERING

SC Code: § 16-13-10
CDR Code: 3436

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. AND G.S.

STATE OF SOUTH CAROLINA)

INDICTMENT

COUNTY OF YORK)

At a Court of General Sessions, convened on August 16, 2012, the Grand Jurors of York County present upon their oath:

FORGERY AND UTTERING

Braquette Wykina Walton, did in York County on or about August 5, 2011; willfully and unlawfully forge or cause or procure to be forged an instrument of writing. To-wit: Braquette Wykina Walton forged or caused or procured to be forged, check number 1912 made payable to herself and drawn on the BB&T account of Pauline Cook in the amount of \$575.00. Further, Braquette Wykina Walton, knowingly uttered or published the forged check as true to Woodforest National Bank at in the City of Rock Hill, South Carolina, all in violation of Section 16-13-10, *Code of Laws of South Carolina* (1976), as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


DEPUTY SOLICITOR

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC
2012 NOV -2 AM 11:59
CERTIFIED TRUE COPY

SOUTH CAROLINA

COUNTY OF
STATE

York

VS.

Braquette Wykina Walton

INDICTMENT/CASE#: 2012-GS46-00865

A/W#: J134360

AKA: Bea

Date of Offense: 11/12/2011

Race: BLACK

Sex: F

Age: 30

S.C. Code §: 16-03-0010, 0020

DOB: [REDACTED]

SS#: [REDACTED]

CDR Code #: 0116

Add: [REDACTED]

City: [REDACTED]

DL#: [REDACTED]

SID#: AC 01992003

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADS

TO: Murder / Murder

in violation of § 16-03-0010, 0020

of the S.C. Code of Laws, bearing CDR Code #

0116

☐ NON-VIOLENT☒ VIOLENT☐ SERIOUS☒ MOST SERIOUS☐ Mandatory GPS(CSC
w/minor 1st or Lewd Act)☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Thompson, Walter W.

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of life Imprisonment days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms: _____

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

☐ Set by SCDPPPS _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)

\$

§ 14-1-211(A)(1) (Conv. Surcharge)

\$100

\$ 100

§ 14-1-211(A)(2) (DUI Surcharge)

\$100

\$

§ 56-5-2995 (DUI Assessment)

\$12

\$

§ 56-1-286 (DUI Breath Test)

\$25

\$

Proviso 47.9 (Public Def/Prob)

\$500

\$

§ 14-1-212 (Law Enforce. Funding)

\$25

\$ 25

§ 14-1-213 (Drug Court Surcharge)

\$150

\$

§ 50-21-114(BUI Breath Test Fee)

\$50

\$

§ 56-5-2942(I) (Vehicle Assessment)

\$40/ca

\$

Proviso 90.5 (SCCJA Surcharge)

\$5

\$ 5

3% to County (if paid in installments)

\$

TOTAL

\$ 130

Clerk of Court/ Deputy Clerk

Court Reporter

David Hamilton
Aminah Hardy

Presiding Judge

Judge Code: 2049

Sentence Date: 11-1-2012

1034

SOUTH CAROLINA

IN THE COURT OF

COUNTY OF

York

VS.

Braquette Wykina Walton

AKA: Bea

Race: BLACK

Sex: F

Age: 30

DOB: [REDACTED]

Address: [REDACTED]

City, State: [REDACTED]

DL#: [REDACTED]

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Abuse /knowing and wilful exploitation of a vulnerable adult

INDICTMENT/CASE#: 2012-GS46-00866

A/W#: J134350

Date of Offense: 10/12/2011

S.C. Code § : 43-35-005(B)

Code #: 2655

CERTIFIED TRUE COPY

2015 MAR 27 AM 9:28

DAVID HAMILTON

CLERK OF COURT

YORK COUNTY, SC

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-3-1050(D) of the S.C. Code of Laws, bearing CDR Code # 3205

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC ☐ §17-25-45

w/minor 1st or Lewd Act)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST

Thompson, Walter W.

SC Bar# 65118

Defendant

Attorney for Defendant

SC Bar# 066593

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 56-1-286 (DUI Breath Test)

Proviso 47.9 (Public Def/Prob)

§ 14-1-212 (Law Enforce. Funding)

§ 14-1-213 (Drug Court Surcharge)

§ 50-21-114 (BUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment)

Proviso 90.5 (SCCJA Surcharge)

3% to County (if paid in installments)

TOTAL

\$

\$

\$100

\$

\$100

\$

\$12

\$

\$25

\$

\$500

\$

\$25

\$

\$150

\$

\$50

\$

\$40/ea

\$

\$5

\$

\$

\$130

days/hours Public Service Employment

Obtain GED ☐Attend Voc. Rehab. or Job Corp. ☐May serve W/E beginning ☐Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk

Court Reporter

David Hamilton
Aminah Haray

Presiding Judge

Judge Code: 2049

Sentencing Date: 11-1-12

SOUTH CAROLINA

COUNTY OF

York

VS.

Braquette Wykina Walton

Jail

INDICTMENT/CASE#: 2012-GS46-00 786

A/W#: J134331

Date of Offense: 11/2/2011

AKA: Bea

Race: BLACK

Sex: F

Age: CERTIFIED TRUE COPY

DOB: [REDACTED]

Address: [REDACTED]

City, State, Zip: [REDACTED]

DL#: [REDACTED]

SID#: SC 01992003

2015 MAR 27 AM 9:28

CDR Code #: 3436

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Forgery / Forgery, value less than \$10,000

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-13-0010(A)

of the S.C. Code of Laws, bearing CDR Code #

3436

☒ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ Mandatory GPS(CSC w/minor 1 stor Lewd Act)☐ §17-25 -45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Thompson, Walter W.

SC Bar# 65118

Defendant

Attorney for Defendant

SC Bar# 006592

WHEREFORE, the Defendant is committed to the

☒ State Department of Corrections,☐ County Detention Center,for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-3-10 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25 -13.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-63 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ _____ plus 20% fee: \$ _____

_____ days/hours Public Service Employment

Payment Terms:

☐ Set by SCDPPPSObtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

Recipient: _____

*Fine:

§ 14 -1-20(Assessments 107 .5%)

§ 14 -1-21 1(A)(1) Conv Surcharge

§ 14-1-211(A)(2)UI Surcharge

§ 5 5- -29 (ISI Assessment)

§ 5 5- 28 (6DUBreath Test)

Proviso 47. 9 PubliDef/Prob)

§ 14 1- 212Law Enforce. Funding)

§ 14-1-213 (Drug Court Surcharge)

§ 50- 2- 114(Birth Test Fee)

§ 5 6-5 -2942(Vehicle Assessment)

Proviso 90 (SSCCJ Surcharge)

3% to County (if paid in installments)

TOTAL

Clerk of Court/Deputy Clerk

Court Reporter

David Hamilton

Aminah Hardy

Presiding Judge

Judge Code: 2012

Continued Date: 11/1/12

1036

SOUTH CAROLINA

COUNTY OF

York

VS.

Braquette Wyhina Walton

AKA: Bea

Race: BLACK

Sex: F

Age:

DOB:

Address:

City, State:

DL#:

01992003

DAVID HAMILTON

CLERK OF COURT

YORK COUNTY, SC

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Forgery / Forgery, value less than \$10,000

INDICTMENT/CASE#: 2012-GS46-00868

A/W#: K694005

Date of Offense: 10/19/2011

S.C. Code §: 16-13-0010(A)

CDR Code #: 3436

SENTENCE SHEET

#11

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-13-0010(A) of the S.C. Code of Laws, bearing CDR Code # 3436

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Thompson, Walter V.

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center, for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed years and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUPTotal: \$ plus 20% fee: \$ Payment Terms: ☐ Set by SCDPPPS Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5%) \$ § 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ § 56-5-2995 (DUI Assessment) \$12 \$ § 56-1-286 (DUI Breath Test) \$25 \$ Proviso 47.9 (Public Def/Prob) \$500 \$ § 14-1-212 (Law Enforce. Funding) \$25 \$ 25§ 14-1-213 (Drug Court Surcharge) \$150 \$ § 50-21-114(BUI Breath Test Fee) \$50 \$ § 56-5-2942(J) (Vehicle Assessment) \$40/ea \$ Proviso 90.5 (SCCJA Surcharge) \$5 \$ 53% to County (if paid in installments) \$ TOTAL \$ 130- days/hours Public Service EmploymentObtain GED ☐Attend Voc. Rehab. or Job Corp. May serve W/E beginning Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning \$ paid to Public Defender FundOther:

☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

Clerk of Court/ Deputy Clerk

Court Reporter

David Hamilton

Aminan Hardy

Presiding Judge

Judge Code: 2049

Signature Date: 11/1/12

IN THE COURT OF THE COMMON PLEAS OF YORK COUNTY, SOUTH CAROLINA

York
VS.
Braquette Wykina Walton

Bea
Race: BLACK Sex: F Age: 30
DOB: [REDACTED]
Address: [REDACTED]
City, S.C.: [REDACTED]
DL#: [REDACTED]

CERTIFIED TRUE COPY
2015 MAR 27 AM 9:38
DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

INDICTMENT/CASE#: 2012-GS46-00869
A/W#: K694006
Date of Offense: 10/24/2011
S.C. Code §: 16-13-0010(A)
CDR Code #: 3436

SENTENCE SHEET
#110

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐
In disposition of the said indictment comes now the Defendant who was
TO: Forgery / Forgery, value less than \$10,000

in violation of § 16-13-0010(A) of the S.C. Code of Laws, bearing CDR Code # 3436
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)
 The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: Walter W. Thompson 65118 SC Bar# Thompson, Walter W. Defendant [Signature] Attorney for Defendant 060593 SC Bar#

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

- ☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: 11/1/12
☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 354 days
☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

- ☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP _____
 Total: \$ _____ plus 20% fee: \$ _____
 Payment Terms: _____
☐ Set by SCDPPPS _____

Recipient: _____

*Fine:		\$
§ 14-1-206 (Assessment 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5
3% to County (if paid in installments)		\$
TOTAL		\$ 130

_____ days/hours Public Service Employment
 Obtain GED ☐
 Attend Voc. Rehab. or Job Corp. _____
 May serve W/E beginning _____
 Substance Abuse Counseling ☐
 Random Drug/Alcohol testing ☐
 Fine may be pd. in equal, consecutive weekly/monthly
 pmts. of \$ _____ beginning _____
 \$ _____ paid to Public Defender Fund
 Other: _____

- ☐ Appointed PD or appointed other counsel,
 § 47.12 requires \$500 be paid to Clerk
 during probation.

Clerk of Court/ Deputy Clerk
 Court Reporter

David Hamilton
 Amireh Hady

Presiding Judge [Signature]
 Judge Code: 2049
 Sentencing Date: 11-1-12

SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

OF

York

VS.

Braquette Wykina Walton

INDICTMENT/CASE#: 2012-GS46-00870

A/W#: K694007

Date of Offense: 11/1/2011

S.C. Code § : 16-13-0010(A)

CDR Code #: 3436

Bea

Race: BLACK

Sex: F

Age: 30

DOB: [REDACTED]

Address: [REDACTED]

City, State: [REDACTED]

DL#: [REDACTED]

SID#: SC 01992008

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Forgery / Forgery, value less than \$10,000

CERTIFIED TRUE COPY

2015 MAR 27 AM 9:28

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-13-0010(A)

of the S.C. Code of Laws, bearing CDR Code #

3436

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC

w/minor 1st or Lewd Act)

☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Thompson, Walter W.

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☐ State Department of Corrections, ☐ County Detention Center,for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)	\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5
3% to County (if paid in installments)	\$	\$
TOTAL		\$ 130

Clerk of Court/ Deputy Clerk

Court Reporter

David Hamilton
Aminah Haray

Presiding Judge

Judge Code: 2049

Sentence Date: 11-12

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp.

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation.

York Jail
 VS.
 Braquette Wykina Walton

AKA: Bea

Race: BLACK

Sex: F

Age:

DOB: [REDACTED]

Address: [REDACTED]

City, St: [REDACTED]

DL#: [REDACTED]

SC 0199200

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat ☐

In disposition of the said indictment comes now the Defendant who was

TO: Forgery / Forgery, value less than \$10,000

INDICTMENT/CASE#: 2012-GS46-00871

A/W#: K694008

Date of Offense: 11/9/2011

S.C. Code §: 16-13-0010(A)

Code #: 3436

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-13-0010(A) of the S.C. Code of Laws, bearing CDR Code # 3436

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Thompson, Walter W.

SC Bar# 65118

Defendant

Attorney for Defendant

SC Bar# 00593

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,
 for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
 and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
 of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☐ CONCURRENT or ☐ CONSECUTIVE to sentence on: 11/11/12☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine: _____ \$ _____

§ 14-1-206 (Assessments 107.5 %) _____ \$ _____

§ 14-1-211(A)(1) (Conv. Surcharge) \$100 \$ 100

§ 14-1-211(A)(2) (DUI Surcharge) \$100 \$ _____

§ 56-5-2995 (DUI Assessment) \$12 \$ _____

§ 56-1-286 (DUI Breath Test) \$25 \$ _____

Proviso 47.9 (Public Def/Prob) \$500 \$ _____

§ 14-1-212 (Law Enforce. Funding) \$25 \$ 25

§ 14-1-213 (Drug Court Surcharge) \$150 \$ _____

§ 50-21-114(BUI Breath Test Fee) \$50 \$ _____

§ 56-5-2942(I) (Vehicle Assessment) \$40/ea \$ _____

Proviso 90.5 (SCCJA Surcharge) \$5 \$ 5

3% to County (if paid in installments) \$ _____

TOTAL \$ 130

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
 § 47.12 requires \$500 be paid to Clerk
 during probation.

Presiding Judge

Judge Code: 2049

Clerk of Court/ Deputy Clerk

Court Reporter

David Hamilton
Aminah Hardy

11-1-12

1040

02-28-'17 14:10 FROM- COC General Sessions

8036283133

T-764 P0002

F-831

COUNTY OF
STATE

YORK

VS.

Braquette Wykina Walton

Jail

AKA: Bea

Race: BLACK Sex: F Age: 30

DOB: [REDACTED] SS#: [REDACTED]

Address: [REDACTED]

City, State, Zip: Rock Hill, SC 29732

DL#: [REDACTED] SID#: SC 01992003

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Abuse / Abuse or neglect resulting in death - vulnerable adult

INDICTMENT/CASE#: 2012-GS46-00883

A/W#: DIJ134360

Date of Offense: 11/12/2011

S.C. Code § : 43-35-0085(F), 16-03-1050

CDR Code #: 2659

SENTENCE SHEET

ORIGINAL

☒ CONVICTED OF or ☐ PLEADS

in violation of § 43-35-0085(F), 16-03-1050 of the S.C. Code of Laws, bearing CDR Code # 2659

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTORNEY: Walter Thompson 65118
Thompson, Walter W SC Bar#

Defendant

Attorney for Defendant

SC Bar# 72492

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years
and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment
of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 10/1/12☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied
by the State Department of Corrections. 354 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal
Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered PTUP

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS _____

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5%)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114(BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$
3% to County (if paid in installments)		\$
TOTAL		\$

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐Fine may be pd. in equal, consecutive weekly/monthly
pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk

Court Reporter

David Hamilton
Chleen Butler

Presiding Judge

Judge Code: 2049

11.5.12

SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

OF York
VS.
Braquette Wykina Walton

INDICTMENT/CASE#: 2012-GS46-03015

AKA: Bea

A/W#: DIIJ134360

Race: BLACK

Sex: F

Age: 30

Date of Offense: 11/12/2011

DOB: [REDACTED]

S.C. Code §: 16-11-0311

Address: [REDACTED]

CDR Code #: 0079

City, St: [REDACTED]

DL#: [REDACTED]

01992003

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADS

TO: Burglary / Burglary (After June 20, 1985) - First degree

in violation of § 16-11-0311 of the S.C. Code of Laws, bearing CDR Code # 0079

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS (CS C w/minor 1st or Lewd Act) ☐ § 7-25-45

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Thompson, Walter W.

SC Bar# 65118

Defendant

Attorney for Defendant

SC Bar# 066597

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 30 days/months/years or ☐ under the Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections. 354 days☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5
3% to County (if paid in installments)		\$
TOTAL		\$ 130

days/hours Public Service Employment

Obtain GED ☐Attend Voc. Rehab. or Job Corp. ☐

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Clerk of Court/ Deputy Clerk

Court Reporter

Presiding Judge

Judge Code: 2012

Sentencing Date: 11-16-2012

1042

SOUTH CAROLINA

York

VS.

Braquette Wykina Walton

Bea

BLACK

Sex: F

Age: 30

DOB:

Address:

City, St:

DL#:

SID#:

SC 01992

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Forgery / Forgery, value less than \$10,000

in violation of § 16-13-0010(A)

of the S.C. Code of Laws, bearing CDR Code #

3436

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSCw/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Thompson, Walter W. SC Bar#

Defendant

Attorney for Defendant.

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)		\$
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§ 56-5-2995 (DUI Assessment)	\$12	\$
§ 56-1-286 (DUI Breath Test)	\$25	\$
Proviso 47.9 (Public Def/Prob)	\$500	\$
§ 14-1-212 (Law Enforce. Funding)	\$25	\$ 25
§ 14-1-213 (Drug Court Surcharge)	\$150	\$
§ 50-21-114 (BUI Breath Test Fee)	\$50	\$
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
Proviso 90.5 (SCCJA Surcharge)	\$5	\$ 5
3% to County (if paid in installments)		\$
TOTAL		\$ 130-

days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning _____

\$ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
 § 47.12 requires \$500 be paid to Clerk
 during probation.

Clerk of Court/ Deputy Clerk

Court Reporter

David Hamilton

Aminah Hardy

Presiding Judge

Judge Code:

Court Reporter

 2049
 4-1-12

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2012-GS46-03016

A/W#: DI12003016

Date of Offense: 10/19/2011

S.C. Code § : 16-13-0010(A)

CDR Code #: 3436

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

SOUTH CAROLINA

York

VS.

Braquette Wykina Walton

INDICTMENT/CASE#: 2012-GS46-03017

A/W#: DI12003017

Date of Offense: 9/26/2011

S.C. Code § : 16-13-0010(A)

CDR Code #: 3436

AKA: Bea

Race: BLACK

Sex: F

Age: 30

DOB: [REDACTED]

Address: [REDACTED]

City, Sta: [REDACTED]

DL#: [REDACTED]

SID#: SC01992408

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Forgery / Forgery, value less than \$10,000

in violation of § 16-13-0010(A)

of the S.C. Code of Laws, bearing CDR Code #

3436

☒ NON-VIOLENT☐ VIOLENT☐ SERIOUS☐ MOST SERIOUS☐ Mandatory GPS(CSC w/minor 1st or Lewd Act)☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTORNEY:

Thompson, Walter W.

SC Bar# 65118

Defendant

Attorney for Defendant

SC Bar# 0606593

WHEREFORE, the Defendant is committed to the

☐ State Department of Corrections,☐ County Detention Center,for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years and/or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

PTUP

Total: \$ plus 20% fee: \$

Payment Terms:

☐ Set by SCDPPPS

Recipient:

*Fine:

§ 14-1-206 (Assessments 107.5 %)

§ 14-1-211(A)(1) (Conv. Surcharge)

§ 14-1-211(A)(2) (DUI Surcharge)

§ 56-5-2995 (DUI Assessment)

§ 56-1-286 (DUI Breath Test)

Proviso 47.9 (Public Def/Prob)

§ 14-1-212 (Law Enforce. Funding)

§ 14-1-213 (Drug Court Surcharge)

§ 50-21-114 (BUI Breath Test Fee)

§ 56-5-2942(J) (Vehicle Assessment)

Proviso 90.5 (SCCJA Surcharge)

3% to County (if paid in installments)

TOTAL

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

\$

days/hours Public Service Employment

Obtain GED ☐Attend Voc. Rehab. or Job Corp. ☐

May serve W/E beginning

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ beginning

\$ paid to Public Defender Fund

Other:

☐ Appointed PD or appointed other counsel, § 47.12 requires \$500 be paid to Clerk during probation

Clerk of Court/ Deputy Clerk

Court Reporter:

Presiding Judge

Judge Code: 2049

Sentence Date: 11-1-12

CERTIFIED TRUE COPY

DAVID HAMILTON
CLERK OF COURT
YORK COUNTY, SC

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

21044

Braquette Wykina Walton

AKA: Bea

Race: BLACK Sex: F Age: 30

DOB: [REDACTED] SS#: [REDACTED]

Address:

City, State, Zip: Rock Hill, SC 29732

DL#: [REDACTED] SID#: SC 01992003

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the said indictment comes now the Defendant who was

TO: Forgery / Forgery, value less than \$10,000

A/W#: D112003018

Date of Offense: 9/26/2011

S.C. Code §: 16-13-0010(A)

CDR Code #: 3436

SENTENCE SHEET

☒ CONVICTED OF or ☐ PLEADS

in violation of § 16-13-0010(A) of the S.C. Code of Laws, bearing CDR Code # 3436

☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS(CSC w/minor 1st or Lewd Act) ☐ §17-25-45The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (defendant's initials)The plea is: ☒ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.ATTORNEY: Walter W. Thompson 65118

Thompson, Walter W.

SC Bar#

Defendant

Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Corrections, ☐ County Detention Center,

for a determinate term of 5 days/months/years or ☐ under the Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years and/or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☐ The Defendant is to be given credit for time served pursuant to S.C. Code § 24-13-40 to be calculated and applied by the State Department of Corrections.☐ The Defendant is to be placed on the Central Registry of Child Abuse and Neglect pursuant to S.C. Code §17-25-135.

Pursuant to 18 U.S.C Section 922, it is unlawful for a person convicted of a violation of Section 16-25-20 or 16-25-65 (Criminal Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

SPECIAL CONDITIONS:

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____

☐ Set by SCDPPPS

Recipient: _____

*Fine:

§ 14-1-206 (Assessments 107.5 %)		\$	
§ 14-1-211(A)(1) (Conv. Surcharge)	\$100	\$	100
§ 14-1-211(A)(2) (DUI Surcharge)	\$100	\$	
§ 56-5-2995 (DUI Assessment)	\$12	\$	
§ 56-1-286 (DUI Breath Test)	\$25	\$	
Proviso 47.9 (Public Def/Prob)	\$500	\$	
§ 14-1-212 (Law Enforce. Funding)	\$25	\$	25
§ 14-1-213 (Drug Court Surcharge)	\$150	\$	
§ 50-21-114(BUI Breath Test Fee)	\$50	\$	
§ 56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$	
Proviso 90.5 (SCCJA Surcharge)	\$5	\$	5
3% to County (if paid in installments)		\$	
TOTAL		\$	170

Clerk of Court/ Deputy Clerk
Court Reporter

David Hamilton
Aminah Hardy

Presiding Judge

Judge Code: 2049

Sentence Date: 11-1-12

_____ days/hours Public Service Employment

Obtain GED ☐

Attend Voc. Rehab. or Job Corp. _____

May serve W/E beginning _____

Substance Abuse Counseling ☐Random Drug/Alcohol testing ☐

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ beginning _____

\$ _____ paid to Public Defender Fund

Other: _____

☐ Appointed PD or appointed other counsel,
§ 47.12 requires \$500 be paid to Clerk
during probation.

Presiding Judge

Judge Code: 2049

Sentence Date: 11-1-12

FORM 5

STATE OF SOUTH CAROLINA)

COUNTY OF York)Braquettel Walton #353118
Full name and prison number (if any) of Applicant.)

v.)

State of South Carolina)

IN THE COURT OF COMMON PLEAS

APPLICATION FOR
POST-CONVICTION RELIEF**INSTRUCTIONS - READ CAREFULLY**

In order for this application to receive consideration by the Court, it shall be in writing (legible handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish the answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention Camille Caraman Correctional
2. Name and location of Court which imposed sentence York County General Session Court *York SC*
3. Name(s) of co-defendant(s) (if any) N/A
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) 2012-GS46-00883 see back
 - (b) 2012-GS46-03018 see back
 - (c) 2012-GS46-03017 see back
5. The date upon which sentence was imposed and the terms of the sentence:
 - (a) Nov 1, 2012 - 30 years see back
 - (b) Nov 1, 2002 - 5 years see back

9.1

4.)

- D. 2012-GS46-03016
- E. 2012-GS46-03015
- F. 2012-GS46-00871
- G. 2012-GS46-00870
- H. 2012-GS46-00869
- I. 2012-GS46-00868
- J. 2012-GS46-00867
- K. 2012-GS46-00866
- L. 2012-GS46-00865

5.)

- D. Nov 1, 2012 - 5 years
- E. Nov 1, 2012 - 30 years
- F. Nov 1, 2012 - 5 years
- G. Nov 1, 2012 - 5 years
- H. Nov 1, 2012 - 5 years
- I. Nov 1, 2012 - 5 years
- J. Nov 1, 2012 - 5 years
- K. Nov 1, 2012 - 5 years
- L. Nov 1, 2012 - Life imprisonment

- (c) Nov 1, 2012 - 5 years see back
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- (b) after a plea of not guilty yes
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
yes
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. S.C. Courts of Appeal
- ii. N/A
- iii. N/A
- (b) the result in each such Court to which you appealed:
- i. Appeal Dismissed
- ii. N/A
- iii. N/A
- (c) the date of each such result:
- i. Submitted 9-1-14 - Filed 11-5-14
- ii. N/A
- iii. N/A
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. 2014-UP.377
- ii. N/A
- iii. N/A
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) N/A
- (b) N/A
- (c) N/A
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:

Ignorance
of
Law

- (a) Ineffective assistance of trial counsel
 (b) New Evidence
 (c) Failure to grant Change of venue

11. State concisely and in the same order the facts which support each of the grounds set out

in (10):

- Failure to research law, Failure to submit or object jury charge, Failure to develop and present defense, failure to make proper motions, ineffective agreement.
 (a) My ignorance of law
 (b) _____
 (c) _____

12. Prior to this application have you filed with respect to this conviction:

- (a) any petition in a State Court under South Carolina Law? yes
 (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? NO
 (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? NO
 (d) any other petitions, motions or applications in this or any other Court? NO

13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:

- (a) the specific nature thereof:
 i. Direct Appeal South Carolina Court of Appeal
 ii. _____
 iii. _____
 iv. _____
 (b) the name and location of the Court in which each was filed:
 i. South Carolina Court of Appeal Columbia, SC
 ii. _____
 iii. _____
 iv. _____
 (c) the disposition thereof:
 i. Dismissed
 ii. _____
 iii. _____

- iv. _____
- (d) the date of each such disposition:
- i. November 5, 2014
- ii. N/A
- iii. N/A
- iv. N/A
- (e) if known, citations of any written opinions or orders entered pursuant to each such disposition:
- i. 2014-WP-377
- ii. N/A
- iii. N/A
- iv. N/A
14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?
US/AIO
15. If you answered "yes" to (14) identify: see 13A-E Above
- (a) which grounds have been presented:
- i. _____
- ii. _____
- iii. _____
- (b) the proceedings in which each ground was raised:
- i. _____
- ii. _____
- iii. _____
16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:
- (a) New Evidence available
- (b) Ignorance of law
- (c) _____
17. Were you represented by an attorney at any time during the course of:

- (a) your arraignment and plea? N/A
- (b) your trial, if any? yes
- (c) your sentencing? yes
- (d) your appeal, if any, from the judgment of conviction or the imposition of sentence? yes
- (e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed? _____

18. If you answered "yes" to one or more parts of (17), list:

- (a) the name and address of each attorney who represented you:
- i. Phil Smith - York County Public Defender's Office, York, SC
- ii. Susan B. Hockett - Division of Appellate Division, P.O. Box 1589 Columbia, SC
- iii. N/A
- (b) the proceedings at which each such attorney represented you:
- i. General Session Court jury trial
- ii. South Carolina Court of Appeal
- iii. N/A

19. State clearly the relief you seek in filing this application:

New trial with jury and or sentence reduced

20. Are you now under sentence from any other court that you have not challenged?

No

STATE OF SOUTH CAROLINA)

County of)

York)

VERIFICATION

I, , being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

Braguette Walton

SWORN to and subscribed before me this 5
day of December, 2014.

Judith P. Hyatt (L.S.)
Notary Public

My Commission Expires: 8-23-21

**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, _____, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

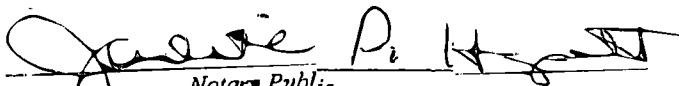
- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.

T

Applicant

SWORN or affirmed to and subscribed before me this

5 day of December, 2014.



Notary Public

My Commission Expires: 8-23-21

STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
	)	OF THE SIXTEENTH JUDICIAL CIRCUIT
COUNTY OF YORK	)	
	)	2015-CP-46-00889
Braquette Walton,	)	
S.C.D.C. No. 353118,	)	
	)	
Applicant,	)	
	)	RETURN
v.	)	
	)	
State of South Carolina,	)	
	)	
Respondent.	)	
_____	)	

Respondent, making its Return to the application for post-conviction relief (PCR) filed March 24, 2015, would respectfully show this Court:

I.

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the York County Clerk of Court. On February 16, 2012, a York County grand jury indicted Appellant for murder (2012-GS-46-865), exploitation of a vulnerable adult (2012-GS-46-866), four counts of forgery and uttering (2012-GS-46-868, -869, -870, -871), and abuse or neglect of a vulnerable adult resulting in death (2012-GS-46-883). On August 16, 2012, the grand jury indicted Appellant for four additional counts of forgery and uttering (2012-GS-46-867, -3016, -3017, -3018) and burglary in the first degree (2012-GS-46-3015).

The State called the case for trial on October 29, 2012 before the Honorable John C. Hayes, III and a jury. Phil Smith and Ashley Anderson, Esquires, represented Applicant. The jury found Applicant guilty on all counts. Judge Hayes sentenced Appellant to life imprisonment for murder, to thirty years' imprisonment for burglary, to five years' imprisonment on each count

of forgery and uttering, and to five years' imprisonment for exploitation of a vulnerable adult. He ordered all of the sentences to run concurrently.

Following the trial, Applicant made a motion concerning the conviction for abuse or neglect of a vulnerable adult resulting in death. On November 5, 2012, Judge Hayes reconvened the matter to consider Applicant's motion concerning the conviction of abuse or neglect of a vulnerable adult resulting in death. Judge Hayes denied Applicant's motion and determined that she could be convicted and sentenced for both murder and death of a vulnerable adult based on abuse and neglect. Thereafter, Judge Hayes sentenced Applicant to thirty years' imprisonment for abuse or neglect resulting in death of a vulnerable adult and ordered the sentence to run concurrently with all other sentences.

Applicant timely filed a notice of appeal and the appeal was perfected by Appellate Defender Susan B. Hackett filing a brief pursuant to Anders v. California, 386 U.S. 738 (1967). Applicant filed a pro se response. By an unpublished opinion filed November 5, 2014, the South Carolina Court of Appeals dismissed Applicant's appeal. 2014-UP-377. The Remittitur was sent November 21, 2014.

II.

In her current application for post-conviction relief, Applicant alleges he is being held unlawfully for the following reasons:

1. Ineffective Assistance of Trial Counsel
 - a. "Failure to research law."
 - b. "Failure to submit or object jury charge."
 - c. "Failure to develop and present defense."
 - d. "Failure to make proper motions."
 - e. "Ineffective agreement."
2. "New Evidence"
3. "Failure to grant change of venue."

Any claims not specifically enumerated in the PCR application or amendments will be opposed by the State at evidentiary hearing. All amendments should be made well in advance of hearing and should be filed as required by Rule 11, SCRCP(a).

Attached herewith and incorporated herein are the York County Clerk of Court records regarding the subject conviction and the trial transcript. Respondent reserves the right to amend this Return upon receipt of any relevant materials.

III.

Respondent contends that Applicant's trial counsel rendered adequate assistance and provided representation within the range of competence required by attorneys in criminal cases. In a post-conviction relief proceeding, the applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where ineffective assistance of counsel is alleged as a ground for relief, the applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S.Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

A two-pronged test is used in evaluating allegations of ineffective assistance of counsel. First, the applicant must prove that counsel's performance was deficient. Under this prong, attorney performance is measured by its reasonableness under professional norms. Id., 300 S.C. at 117, 386 S.E.2d at 625, citing Strickland. The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. 668, 104 S. Ct. 2052. The

applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Second, counsel's deficient performance must have prejudiced the applicant such that there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different. Id. A reasonable probability is a probability sufficient to undermine confidence in the outcome of the trial. Johnson v. State, 325 S.C. 182, 480 S.E.2d 733 (1997).

Respondent submits that Applicant cannot satisfy either requirement of the Strickland v. Washington test. However, the allegation of ineffective assistance of counsel probably raises questions of fact that cannot be conclusively refuted by the record. Respondent requests an evidentiary hearing to fully resolve this issue. Sharper v. State, 279 S.C. 264, 305 S.E.2d 247 (1983).

IV.

Respondent denies each allegation that is not expressly admitted, qualified or explained.

V.

WHEREFORE, Respondent requests an evidentiary hearing for the purpose of determining whether the Applicant's trial counsel were ineffective.

[signatures on following page]

Respectfully submitted,

ALAN WILSON
Attorney General

JOHN W. McINTOSH
Chief Deputy Attorney General

KAREN C. RATIGAN
Senior Assistant Deputy Attorney General

JUSTIN J. HUNTER
Assistant Attorney General

By: 
ATTORNEYS FOR RESPONDENT
Office of the Attorney General
P.O. Box 11549
Columbia, S.C. 29211

Aug 7

, 2015

STATE OF SOUTH CAROLINA)

COUNTY OF YORK)

IN THE COURT OF COMMON PLEAS

2015-CP-46-0889

BRAQUETTE WALTON., #353118)

Applicant,)

vs)

AFFIDAVIT OF SERVICE BY MAIL

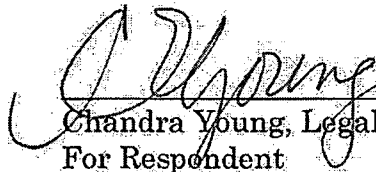
STATE OF SOUTH CAROLINA,)

Respondent.)
_____)

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the Return in the above-captioned matter on the following person(s) by depositing same in the United States mail, postage prepaid:

Leah B. Moody, Esquire
235 East Main Street; Suite 115
Rock Hill, SC 29731

DATED this 6th day of August, 2015.


Chandra Young, Legal Assistant
For Respondent

1 STATE OF SOUTH CAROLINA
2 COURT OF COMMON PLEAS
3 COUNTY OF YORK
4 2015-CP-46-00889

5 Braquette Walton

6 vs.

7 State of South Carolina

8

9 York, South Carolina

10 April 19, 2016

11 Before the Honorable Frank R. Addy

12

13 APPEARANCES

14 For the Applicant: Leah B. Moody

15 For the State: Justin Hunter

16

17 Reported by: Michael C. Watkins

18 Official Court Reporter

19

20

21

22

23

24

25

1	Barquette Walton:	4
2	Phil Smith:	38
3	Certificate:	55

4

5

NO EXHIBITS

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BRAQUETTE WALTON - DIRECT

1 MR. HUNTER: Your Honor, this is Braquette Walton
2 versus State of South Carolina, 2015-CP-46-889. Your
3 Honor, she was indicted at the September 2012 term of the
4 York County Grand Jury for murder, exploitation of a
5 vulnerable adult, abuse and neglect of a vulnerable adult
6 resulting in death, burglary first degree and two counts of
7 forgery. She was represented at trial by Mr. Phil Smith
8 and Ashley Anderson. On October 19th of 2012 she proceeded
9 to a jury trial before Judge Hayes, she was found guilty as
10 indicted and was sentenced as follows: Burglary first 30
11 years, on the forgery counts five years, abuse and neglect
12 of a vulnerable adult resulting in death 30 years,
13 exploitation of a vulnerable adult five years, and life for
14 murder. She did file a direct appeal, an Anders brief was
15 filed by appellate defense, the Court of Appeals dismissed
16 the appeal on November 5th of 2015. She filed this current
17 application March 24th of 2015 and she is present today
18 represented by the Ms. Leah Moody.

19 THE COURT: Ms. Moody are you ready to proceed?

20 MS. MOODY: Yes, Your Honor. I call Braquette Walton.

21 THE COURT: Ma'am, if you will come up, please.

22 The witness, BRAQUETTE WALTON, was first duly sworn
23 and testified as follows:

24 DIRECT EXAMINATION

25 BY MS. MOODY:

BRAQUETTE WALTON - DIRECT

1 Q Ms. Walton, could you please state your full name for
2 the record?

3 A Yes, Braquette Wykina Walton.

4 Q Where are you currently incarcerated?

5 A I currently reside at Camille Griffin Graham in
6 Columbia, South Carolina.

7 Q And you filed this PCR application against what
8 previous counsel?

9 A Phil smith.

10 Q And was he your only attorney?

11 A Ashley Anderson.

12 Q But at the inception when you first got arrested, was
13 he your only attorney?

14 A Yes, ma'am.

15 Q So you obviously ended up going to trial on this case;
16 is that correct?

17 A Yes, ma'am.

18 Q During your representation by Mr. Smith, did you have
19 an opportunity to meet with him?

20 A Yes, ma'am. Initially when they first brought me in
21 I met with him and Ashley Anderson.

22 Q How often did you meet with him?

23 A I basically met a lot of times with Phil, Barton, I
24 think that was the private investigator, I met with him a
25 lot of the times, it was kind of more than Phil and I saw

BRAQUETTE WALTON - DIRECT

1 him sometimes. But his investigator, Barton, I can't
2 remember his last name, but he came and saw me a lot.

3 Q Now, did you have an opportunity to explain to him
4 your side of the case?

5 A Yes, ma'am. Well, as things was -- I guess as the
6 charges were coming in we would talk and meet, but --

7 Q Okay. When you were initially arrested, what were the
8 charges against you that you were charged with?

9 A Initially they charged me with -- it was forgery and
10 uttering, I think it was three or four counts, and then
11 they had me on the one murder charge and that was it that
12 they had initially. And then back -- and then the
13 following August they came and charged me with burglary
14 first.

15 Q Okay.

16 A And that was all I was charged with.

17 Q Now, during your representation by Phil Smith, did you
18 have an opportunity to discuss all of these charges with
19 him?

20 A Well, I know I asked about the burglary first. But
21 he said at the time when it was brought up that was after
22 the DNA came in from SLED and he was like it was smoke and
23 mirrors, so he really didn't explain to me anything about
24 the burglary first. That was just something that they had
25 thrown up.

BRAQUETTE WALTON - DIRECT

1 Q Something that -- when you say they, who?

2 A The solicitor had charged me with after the fact.

3 Q Okay. So during your representation with Mr. Smith
4 you had an opportunity to talk to him and talk about your
5 charges to some degree.

6 A Yes, ma'am.

7 Q And in your PCR application you've alleged that he was
8 ineffective assistance of counsel.

9 A Yes, ma'am.

10 Q And one of the allegations you state is he failed to
11 research law. Will you please tell the Court what you mean
12 by that?

13 A As far as him explaining to me like as far as what
14 burglary first exactly, what that meant and what the
15 charges were going to be brought up against me. Also --

16 Q Well, let's stop right there. You're saying he didn't
17 explain to you what the elements were for a burglary?

18 A That is correct, yes, ma'am.

19 Q And then the second part of what you said --

20 A Well, I did not know that I was charged with the
21 neglect and causing death until the day of trial, and I
22 asked about that. But at the time they were in the
23 process of doing jury picking so I did not know I was
24 charged with I guess neglect causing death until the day
25 of trial, I never had known I was being charged with that

BRAQUETTE WALTON - DIRECT

1 also, so --

2 Q Okay. So like when you say he failed to research the
3 law, what -- you didn't understand what burglary was and
4 the neglect charge, you didn't understand what those
5 charges were. What specifically did you want him to
6 research?

7 A Well, I assume pretty much a little bit as far as --
8 it was some other things as far as like with the medical
9 history of Ms. Cook.

10 Q Well, let's be clear on this because you said research
11 the law. So when you're talking about law there's like
12 some kind of case that you're thinking he is going to
13 present, is there any law in that or are you talking about
14 researching the case?

15 A I guess in general researching my case, ma'am.

16 Q Okay. Now, what were the other things you were going
17 to say that he didn't research?

18 A As far as pertaining to the case, Ms. Cook, they had
19 her on her medication, and that she was receiving
20 medication that was basically time release capsules. And
21 if he would have did the research on that it would have
22 been noticed that the medications lasts for 12 hours,
23 therefore at the time the coroner could not give an exact
24 time of death. If he would have researched that her
25 medication was on a time release that it would have

BRAQUETTE WALTON - DIRECT

1 basically gave him a kind of timeframe of when Ms. Cook
2 was -- I guess you would say when she was passed away.

3 Q So when you say that, explain to us a little bit about
4 what that means. So like she has 12 hour time release
5 medicine.

6 A Right.

7 Q How does that go to the suffocation?

8 A Well, that's what they said initially how she passed
9 away was a suffocation. But I was saying as far as with
10 the medication wise, the young lady testified during trial
11 that she give Ms. Cook her medication at 9:00, and they
12 had me in the area for my cellphone tower, my cellphone in
13 the vicinity between I would say I think it was nine and
14 11. And the medical examiner said he found pill debris
15 and food in her stomach, and if he would have did -- if it
16 was on time release it wouldn't have broken down within an
17 hour or two if it was supposed to last for 12 hours. And
18 I know Ashley Anderson is the one who actually cross
19 examined I guess the coroner or medical examiner, and I
20 don't think -- like she asked about some medicines but did
21 not thoroughly go through all of the medicines. They said
22 she was on like 26 different medications at the time.

23 Q Okay. And so did you discuss any of that with Mr.
24 Smith?

25 A At the time during trial it didn't cross my mind. It

BRAQUETTE WALTON - DIRECT

1 wasn't until after the fact that I was able to sit down
2 and "Wait a minute, what about this?" But it was after
3 the fact, after trial and I had been sentenced.

4 Q Is there anything else that he didn't research that
5 you wanted him to research?

6 A I know I asked him about my time key card, that I
7 told him that I think I had left at the facility in my
8 sweater and I asked him Barton to go and check and see if
9 it was there, and I don't know if they did or did not. I
10 just know at the time of trial that the solicitor held up
11 my actual time card that you slide in to check in to get
12 paid, they held it up, and they didn't have my actual
13 access card to the facility.

14 Q Okay. So your time card is what you would produce
15 your hours for how many hours you worked?

16 A Yes, ma'am. That would not allow me access to the
17 property.

18 Q And so the solicitor used that. Did you discuss that
19 with your attorney?

20 A I think during -- I told Ashley because she was
21 sitting next to me, and I was like, "That's not my access
22 card to get into the facility."

23 Q So did they ever recover your access card?

24 A I don't know. After that that was it, I know if they
25 didn't. I know what they had was what was in my car and

BRAQUETTE WALTON - DIRECT

1 that was just -- because it had my picture on it and that
2 was just for me to clock in and out, that wouldn't have
3 gave me access to the property and that's what they
4 presented to the jury that they had recovered my access
5 card to the facility.

6 Q Anything else as to research?

7 A No, ma'am.

8 Q Your next issue that you have is your counsel failed
9 to submit or object to jury charges, or a jury charge.
10 What specific jury charge are you referring to?

11 A Well, when I did research on it I knew that the
12 majority of the jury that we did pick, that were selected,
13 they had families in assisted living facilities. Also one
14 of the jurors said that she could not be fair and
15 impartial during my trial and she was still sat on my
16 jury.

17 Q So you don't mean the jury charge that the Judge gives
18 the law to the jury, you mean the actual jury selection.

19 A Yes, ma'am.

20 Q So did you participate in the jury selection with
21 them?

22 A I was present during the jury selection.

23 Q So did you actually get to see what they were looking
24 at, or your attorneys were looking at during the jury
25 selection that gave the names of the jurors?

BRAQUETTE WALTON - DIRECT

1 A Like all of that -- he did not explain any of that to
2 me, it was just like they had to pick jurors to sit before
3 me, none of that was explained. He just said that was a
4 process of what they did at trial was select jurors.

5 Q So when you said he failed to submit or object to jury
6 charge, what exactly do you mean? What was he supposed to
7 object to in terms of the jury selection?

8 A Well, as far as the one who said she could not be
9 fair and impartial, and I think -- like I said, out of the
10 12 I think six had a family member in an assisted living
11 facility or a nursing home, and for me to get a fair
12 trial -- with also two are currently in a current assisted
13 living facility, that was my concern.

14 Q So did you tell your attorney that was an issue for
15 you?

16 A That, and I also asked for a change of venue because
17 the facility is down the street from this location.

18 Q But did you tell your attorney that you had an issue
19 with those individuals that were selected?

20 A No, ma'am, at the time I did not because they were
21 seated. He said -- he explained to me that he only got so
22 many strikes or he could only vote so many people out, so
23 at some point I think there is -- there was nothing they
24 could do at that point as far as who was able to sit on
25 the jury panel.

BRAQUETTE WALTON - DIRECT

1 Q So does that change your allegations that he failed to
2 object or submit --

3 A Yes, ma'am.

4 Q The next allegation that you have is your attorney
5 failed to develop and present a defense. Now, I want you
6 to explain to the Court what you think the defense would
7 have been that your attorney did not present?

8 A Okay. As far as the defense is that, like I said,
9 with the medication. Also with the young lady nursing
10 that did testify as far as one lady saying that she saw
11 Ms. Cook at nine and the other young lady at ten, if it
12 was a timeline that was presented as far as I guess my
13 whereabouts.

14 Q As far as your whereabouts, where were you?

15 A Right. I was out in the facility -- not in the
16 facility but I was in the vicinity trying to purchase
17 something.

18 Q So when you say that you were in the vicinity, were
19 you at the -- on the premises of the living --

20 A No, ma'am.

21 Q So you were not there.

22 A No, ma'am, not at all.

23 Q And you're saying that your attorney should have
24 presented to who, the jury a timeline?

25 A A timeline as far as with the interaction with Ms.

BRAQUETTE WALTON - DIRECT

1 Cook of the night of her death.

2 Q And so did you all discuss your strategy or the
3 strategy that -- I should say -- I take that back. Did you
4 all discuss your attorney's strategy in your case?

5 A No, ma'am.

6 Q Well, what did you discuss when you met with Barton or
7 Mr. Smith?

8 A When I would speak with them they was still checking
9 information and still checking on things, that was the
10 gist of everything. They were like they had set a trial
11 date and everything like that, but as far as is a
12 strategy, what we were going to do court, none of that was
13 discussed with me.

14 Q And so when you when you got to court in the trial, do
15 you feel like you had a defense?

16 A No. There was no one called -- I mean, yes, he did
17 cross examine the DNA expert for everything. There were
18 things they did not even bother to submit in that was not
19 presented as well. As far as too, they had hair fibers
20 and DNA -- not hair fibers -- a handprint and hair that
21 was received, and they checked it against mine and it
22 wasn't mine but he didn't further find out whose it was.

23 Q When you say he you're talking about Mr. Smith?

24 A Yes, ma'am.

25 Q Okay. What else?

BRAQUETTE WALTON - DIRECT

1 A That's about it. I think that was most of it.

2 Q Okay. So in essence you feel like that would have /
3 been part of your defense, if you understood the strategy
4 you felt like it would have been --

5 A Yes, ma'am. If it would have -- he didn't explain it
6 to me and all -- like with the burglary first. The Judge
7 explained it to them that it was entering a dwelling
8 before sunlight or exiting before sunset, things like
9 that, I didn't know that was what burglary first was.
10 Also, too, with neglect causing death, I understood what
11 forgery and uttering meant and the use of a vulnerable
12 adult, but not everything that my charges were he
13 explained to me and what he was going to do during trial.

14 Q Did you tell him?

15 A I mean, at the time I did voice that, you know, that
16 I was nervous and upset, but I assumed that he knew what
17 he was doing, so yes, ma'am.

18 Q Another allegation that you have is that your attorney
19 failed to make the proper motions. What motions did you
20 feel your attorney should have made?

21 A On that I spoke on different motions that I feel like
22 he could have as far as with the statement, I don't know
23 what probably motion in legal terms, but the --

24 Q Just tell me just like how you understand them to be,
25 a motion as to what?

BRAQUETTE WALTON - DIRECT

1 A Well, I know it was the officer, and the Judge would
2 not allow his statement to be said because he said it was
3 hearsay. But also too, they had submitted in a statement
4 saying that I gave it to them, it wasn't signed or
5 recorded or -- I didn't give a statement at all, a so
6 called confession statement, and that too was hearsay, but
7 they used that against me during trial. And so --

8 Q Anything else?

9 A No, ma'am.

10 Q Then you allege as well that your attorney was
11 ineffective, and you call it ineffective agreement. Can
12 you explain to the Court what you mean by ineffective
13 agreement?

14 A Well, with the ineffective agreement as far as with
15 the last charge of me not knowing, he didn't explain to me
16 exactly everything on what he was going to do and how the
17 charges -- how they were brought up on me.

18 Q So are you meaning the charges that you received by
19 way of indictment?

20 A Yes, ma'am.

21 Q That's not an agreement with anybody. Are you talking
22 about a plea agreement or are you talking about there was
23 some kind of agreement with the solicitor's office?

24 A I'm referring to the plea agreement he had came with
25 that Friday before, and it was -- they were offering me 25

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1 for the neglect causing death, but then come to find out
2 that was a charge they already charged me with back in
3 February that I didn't know about.

4 Q So -- okay. You understand like when you get arrested
5 you get charges and then you might have an indictment; is
6 that right?

7 A Yes, ma'am.

8 Q Do you understand that a plea agreement is in exchange
9 of your plea to the charges the State will either recommend
10 or negotiate a sentence that you can accept?

11 A Yes, ma'am.

12 Q And then you go before the Judge. Did you have an
13 opportunity where you discussed with Mr. Smith a plea
14 agreement where you would plead to certain charges in
15 exchange for a recommendation for a negotiation from the
16 State?

17 A No, ma'am. None of that was ever discussed or
18 brought to me at all as a option.

19 Q So tell me what you mean by the Friday before 25
20 years, what was that?

21 A He had came to see me and it was like I want to say
22 almost like five minutes until 5:00 and said that the
23 solicitor called and asked me did I want to drop the
24 charges all the way down and just offer me the neglect
25 causing death and 25, and I told him no.

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1 Q That's a plea offer.

2 A Yes, ma'am.

3 Q Did you understand that?

4 A Well, that's how he told me, but he didn't --

5 Q Okay. There's no special form as to how he has to
6 tell you, but do you understand that that is a plea offer.

7 So the State made you a plea offer, in exchange for your
8 plea they were going to recommend 25 years, do you
9 understand that?

10 A Yes, ma'am.

11 Q And at that point you talked to him and you decided
12 you did not want to take the plea offer.

13 A Yes, ma'am.

14 Q And why is that?

15 A Because I know I did not commit the crime so I didn't
16 want -- why would I take that charge? And he didn't
17 explain --

18 Q So let's talk about the charges that you have. You
19 have the forgery charges.

20 A Yes, ma'am.

21 Q And you have the murder charge.

22 A Yes, ma'am.

23 Q And you have the neglect charge, and then you have the
24 burglary first.

25 A Like I said, I didn't know I had the -- I never

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1 received an indictment, I guess, from my attorney whenever
2 they indicted me on the neglect resulting in death, so I
3 was only aware of the burglary first and the murder and
4 the forgery charges.

5 Q So what I'm asking you is when he made the offer to
6 you and he's saying that they're going to drop some charges
7 apparently and you're going to plead and the recommendation
8 is 25 years.

9 A Right. Like I said, he didn't say anything about the
10 murder or the forgery, he was like, "They're offering you
11 25 for the neglect causing death," that's exactly how he
12 said it.

13 Q Okay. So that was the offer.

14 A Yes.

15 Q And you told him no.

16 A Yes, ma'am.

17 Q And when you realized that you told him no, what did
18 you understand about the charges that you had? The forgery
19 charges, the murder charge, the burglary, all of that, what
20 did you understand --

21 A Well, under my assumption I assumed that they were
22 going to still charge me with those because he didn't ever
23 say they were going to take it off the table. All he said
24 was that they were offering me -- that's 25 for neglect
25 resulting in death. But he didn't say anything about the

BRAQUETTE WALTON - DIRECT

1 burglary first, what they were going to do with that, none
2 of that was said.

3 Q All right. So when you say ineffective agreement, how
4 is it ineffective? What is it that's ineffective about it?

5 A Well, nothing, because I declined. What they were
6 offering me was only 25 so I declined that.

7 Q You realize you're not constitutionally entitled to a
8 plea offer?

9 A No, ma'am, I wasn't told that either.

10 Q So when you declined the plea offer that was the
11 Friday before you went to trial.

12 A That Monday, yes, ma'am.

13 Q Okay. So you decided to proceed on to trial. What
14 happened when you got to court on that Monday?

15 A When I got to court that Monday Judge Hayes read out
16 the charges, which was -- the first one he said was
17 murder, the second was neglect resulting in death, the
18 third one was burglary first, the next one was abuse of a
19 vulnerable adult, and he read out the eight forgery
20 charges, and that's when I learned the neglect resulting
21 in death charge on me.

22 Q Okay. So before you went to trial on Monday did you
23 have an opportunity to prepare for trial?

24 A No, ma'am. I didn't see him after I saw him that
25 Friday.

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1 Q But you didn't meet for him to discuss your case or go
2 through any prep for trial, none whatsoever?

3 A He had did like some type of mock thing back in -- I
4 think this was before August, so we didn't go to trial
5 until the end of October, first of November.

6 Q And so you went through what a trial would be like.

7 A Well, yeah. He did, I guess, the solicitor on how he
8 would come back and forth with me on questions and
9 whatnot, so yes, ma'am.

10 Q Okay. One of the allegations you have in your
11 application is new evidence. Can you tell the Court what
12 you mean by new evidence?

13 A I was going to submit -- or have them submit what the
14 officers did collect and that was not submitted into SLED.
15 Also too, with the hand fiber and handprint, I would like
16 for that to be analyzed and find out who that belonged to.

17 Q But did they determine it wasn't your handprint?

18 A Yes, ma'am. The forensic guy did say he scanned it
19 the week before trial and that it was not mine, the
20 handprint nor the hair fiber.

21 Q Okay.

22 A And all of the DNA that's submitted excluded me of
23 DNA pertaining me to Ms. Cook and vice versa.

24 Q So did you want him to present that to the jury, is
25 that what you're saying, Mr. Smith present that information

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1 in some kind of way to the jury?

2 A Yeah. Or at least have had that submitted with the
3 other things confirming either -- too, also everything
4 collected excluding me from Ms. Cook altogether.

5 Q So it didn't come out in the testimony that it wasn't
6 your handprint or your hair?

7 A Yes. When he would talk to the forensic people he
8 would ask them if they have anything pertaining to Ms.
9 Walton linked to Ms. Cook, and they said no. So yes.

10 Q But you wanted him to present it some other way that
11 it was somebody else?

12 A Or that it was a option that it was someone else.

13 Q You mentioned earlier but we're now back on your
14 application where you alleged that your attorney failed to,
15 I guess, get a grant to change the venue?

16 A Yes, ma'am.

17 Q So the request to have the change of venue goes to the
18 Judge.

19 A Yes, ma'am.

20 Q And you're saying that he failed to obtain that grant?

21 A Well, yeah, the Judge denied it. He said he thought
22 that I could get a fair trial here in York County.

23 Q Do you realize that if your attorney presented it to
24 the Judge, which you have to present things to the Judge,
25 and if the Judge says no --

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1 A I know that now, yes, ma'am.

2 Q That your attorney doesn't have control over what the
3 Judge says other than he could argue on your behalf and if
4 the Judge says no that's pretty much what it is.

5 A Yes, ma'am.

6 Q Okay. So is there any other ineffectiveness that you
7 feel your attorney did in the course of your
8 representation?

9 A No, ma'am, that's it.

10 Q And when you met with your attorney and talked with
11 him about the case prior to that Monday, that trial date on
12 Monday, you talked to him on Friday and it was only about
13 the plea offer.

14 A Yes, ma'am.

15 Q Did you talk to him about anything else?

16 A No. I was asking him questions as far as like did he
17 go and talk to people that I had asked him to go speak
18 with pertaining to my case.

19 Q And who were those people?

20 A I asked him -- the officer had spoken to my son, also
21 to Desmond Wesley, because I had went to drop my son off
22 that weekend. Also I asked him about at the time my
23 boyfriend --

24 Q Who was your boyfriend?

25 A Edward Blackwell. And did he go -- I had told him,

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1 too, that that evening, the weekend before I left that
2 this weekend happened I had told him I left my sweater at
3 the facility and he said he was going to have them check
4 because I had left my access card. Normally I had kept it
5 there on my sweater, I kept it at the assisted living
6 facility, I kept it there and asked him did he go by there
7 and check to see if it was there.

8 Q Anything else?

9 A No, ma'am.

10 Q And to your knowledge did he talk to your son?

11 A Not that I know of.

12 Q Did he talk to Desmond Wesley?

13 A No, ma'am, not that I know of.

14 Q Did he talk to your boyfriend, Edward Blackwell?

15 A No, ma'am.

16 Q Blackfield -- it's Blackfield, right?

17 A Blackwell.

18 Q Blackwell, sorry.

19 A No ma'am.

20 Q And you've already testified that you weren't sure
21 whether he went to the facility.

22 A Correct, I didn't know.

23 Q Do you know whether he sent anybody out to do all of
24 that?

25 A I know -- I want to say that Barton said that he was

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1 going to go out there, but --

2 Q Go out where?

3 A To the Park Pointe Village, to the assisted facility.

4 But I don't know what all he asked or actually they did
5 when they went there or if they did, or if he went with
6 them.

7 Q Okay. So now you say your attorney didn't do all of
8 these things, and that means you understand for a PCR that
9 it has to be -- he's ineffective in giving you assistance
10 in your case, right, to the level that he should as a
11 criminal attorney.

12 A Yes, ma'am.

13 Q There's another prong to that and that is you have to
14 prove that you were prejudiced in some kind of way. So can
15 you tell the Court how you feel you were prejudiced in this
16 case?

17 A Can you -- I guess can you explain what you mean by
18 prejudice I guess in the sense --

19 Q How was it unfair to you by your attorney's lack of or
20 ineffective assistance, how was it unfair to you?

21 A Well, I know I can say when it all started I felt
22 like he was not really involved into the case like that.

23 Q What do you mean?

24 A As far as I believe he had already found me guilty
25 regardless and he just had to represent me because he was

BRAQUETTE WALTON - DIRECT

1 selected as my attorney.

2 Q What do you mean he already found you guilty?

3 A Well, when he was getting information in like the
4 motion of discovery, that took awhile to get there and the
5 questions I was asking at the time, it just like he
6 wasn't -- he was more concerned about as far as with the
7 checks was concerned, and at the time I had these large
8 charges, that was more of where I was looking at was with
9 the murder charge and things like that.

10 Q Well, explain to the Court what you mean. How did
11 the -- what's the relevance of the checks in this case?

12 A Because they were brought up by -- Mrs. Cook said she
13 didn't recall writing the checks.

14 Q And Ms. Cook is the victim?

15 A Yes, ma'am.

16 Q And so Ms. Cook said she didn't recall writing the
17 checks.

18 A Yes, ma'am. But then, like I said, Mrs. Cook ended
19 up becoming deceased I want to say after the fact. But
20 that's how my name was brought into the whole case of her
21 being deceased and everything.

22 Q So you became a person of interest because of these
23 checks, and that's the forgery charges that you have in
24 this case.

25 A Yes, ma'am.

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1 Q And when you say your attorney was concerned with the
2 forgery charges, you're saying that he was focusing on
3 those?

4 A Yes. He was more focused on those checks than
5 anything else.

6 Q And you don't feel those checks had anything to do
7 with the murder?

8 A Yes, ma'am, now that -- I do see that now, yes,
9 ma'am.

10 Q And when you were discussing plea options or pleading
11 to charges; what, if anything, did your attorney tell you
12 about pleading?

13 A Nothing at all.

14 Q Nothing?

15 A Other than, like I said, he offered me the deal that
16 they offered that Friday. But as far as any plea deals,
17 any negotiation, none of that was ever discussed.

18 Q You never discussed pleading to the forgery charges?

19 A He asked me the night, I guess, before it was closing
20 argument, asked me did I want to plead guilty to the
21 forgery.

22 Q Did he explain anything to you about that?

23 A No. He just asked me did I want to go ahead and
24 plead to forgery and uttering.

25 Q And what did you tell him?

BRAQUETTE WALTON - DIRECT

1 A I told him no at that time.

2 Q Do you know why he was asking you whether you wanted
3 to plead to the forgery charges?

4 A No, ma'am, he didn't state. He just asked me before
5 I guess they were closing out the end of the trial.

6 Q So you weren't -- what did the forgeries have to do
7 with you?

8 A I'm sorry, repeat that, I didn't hear the question.

9 Q What were the basis for the forgery charges?

10 A The basis of the forgery charges? As far as him
11 asking me to plead to them?

12 Q Yes, ma'am.

13 A Well, he didn't say, he just said he wanted to just
14 go ahead and plead those charges off.

15 Q But why would he ask you to plead to the forgery
16 charges?

17 A I guess to get the majority of that out of the way,
18 or those particular charges out of the way.

19 Q Why?

20 A I don't know, he didn't say.

21 Q So you need to explain to the Court the significance
22 of the forgery charges so they can understand.

23 A The forgery charges is why the police had me as a
24 suspect with the death of Ms. Pauline Cook.

25 Q So they accused you of forging the checks.

BRAQUETTE WALTON - DIRECT

- 1 A Yes, ma'am.
- 2 Q And did you -- well, nevermind. So you talked to your
3 lawyer about that and he asked you if you wanted to plead
4 to the forgery charges. Did he ask you if you wanted to
5 plead to any other charges?
- 6 A No, ma'am.
- 7 Q Okay. And so you went forward and y'all did the
8 closing.
- 9 A Yes, ma'am.
- 10 Q And the jury came back.
- 11 A Yes, ma'am.
- 12 Q And they found you guilty of all --
- 13 A Guilty of all the charges, yes, ma'am.
- 14 Q And so is there -- do you feel like you were treated
15 unfairly by being represented by Mr. Smith?
- 16 A I feel I wasn't advised as far as with the charges
17 that was brought against. It wasn't broken down as far as
18 the time that was given for them, like what I would have
19 gotten for burglary first and for the forgery charges. I
20 was not informed of the laws or the charges that was
21 brought up against me.
- 22 Q And so as a result what was your sentence?
- 23 A I received a life sentence plus 30 years for the
24 neglect causing death, I received 30 years for burglary
25 first, five years for each forgery and uttering check, and

BRAQUETTE WALTON - DIRECT

1 they gave me five years for the abuse of a vulnerable
2 adult, I guess.

3 Q And so that's how you feel like you were treated
4 unfairly?

5 A Yes, ma'am.

6 Q What relief are you seeking from the Court today?

7 A I would like to have at least a new trial to present
8 all the information, all the DNA, all the things that were
9 not done during my trial that could have been presented as
10 far as to the nurse's that testified, they had trained me
11 and things like that.

12 Q Did you give those names to Mr. Smith?

13 A And Mr. Smith knew. The two ladies that testified at
14 trial, they were the main ones who trained me at the
15 facility.

16 Q They trained you at the --

17 A Trained me at the facility, yes, ma'am.

18 Q And they testified.

19 A Yes, ma'am.

20 Q But are you saying you wanted them to testify on your
21 behalf?

22 A No, ma'am.

23 Q Well, explain to the Court what you mean.

24 A What I'm saying was he did not acknowledge during his
25 testimony -- not testimony, but during his examination of

BRAQUETTE WALTON - DIRECT

1 them that they actually taught me everything I had known
2 at the facility.

3 Q Okay. So how does that go to the murder?

4 A Because the solicitors came and said that I knew how
5 to clean up blood and all of this, and that I knew how
6 to -- we were given, I guess, from DHEC DHEC cards, and
7 they had stated I knew how to do all of this because I had
8 been trained to clean up blood spills. But everybody in
9 the facility had been trained from the maintenance to the
10 kitchen help on cleaning up any type of accident, anything
11 like that, and Phil didn't say anything of that at all.
12 They just pointed out I knew how to clean up blood because
13 I was a nurse and that I had a DHEC card on the back of my
14 ID, but everybody in the facility -- that's part of the
15 requirement when you get trained there is you had to go
16 through the DHEC class, you know. And that's all.

17 Q Okay. So you want a new trial?

18 A Yes, ma'am.

19 Q Based on your attorney's ineffective assistance of
20 counsel?

21 A Yes, ma'am.

22 Q Is there anything else you want to tell the Court?

23 A No, ma'am.

24 MS. MOODY: Thank you, no further questions.

25 THE COURT: Cross?

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1 MR. HUNTER: May it please the Court, Your Honor?

2 THE COURT: Yes, sir.

3 CROSS EXAMINATION

4 BY MR. HUNTER:

5 Q So how many times would you say you met with Mr. Smith
6 prior to trial?

7 A I would say seven to ten times.

8 Q Okay. Was that in jail or in his office?

9 A No. I was here the whole time, the whole -- yes,
10 ma'am -- yes, sir, I'm sorry.

11 Q How long did those meetings last about each time?

12 A I don't know, no more than I would say 30 minutes if
13 that. I met a lot of times with the investigator because
14 he had the right things to bring me, he brought me a
15 motion of discovery, all of that.

16 Q During these meetings did you offer up your side of
17 the story, alibies, witnesses, anything to help Mr. Smith?

18 A Yes, sir, I did, I told Barton too as well.
19 Sometimes he would be accompanied with Barton or it would
20 be Barton and Ashley.

21 Q Okay. And you said y'all didn't discuss strategy at
22 all?

23 A No. He didn't tell me what he was going to do when
24 it comes to a trial, no, sir.

25 Q So during none of those seven to ten meetings was any

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1 trial strategy discussed?

2 A No. He was talking about as far as like collecting
3 information and things like that, he was still waiting on
4 him getting -- because the SLED didn't come out until
5 eight months later until August, and then once that came
6 that's when they threw on -- well, I was charged or
7 indicted with the burglary first and that's when I asked
8 about what was that for, and his exact words to me was,
9 "That's just a smoking mirror," and that was the end of
10 that, with my question on the burglary.

11 Q Okay. But he went over, I guess, the questions that
12 the solicitor would ask you; is that correct?

13 A Well, when we did the little -- like I guess little
14 mock trial that we did, yes, sir.

15 Q So do you feel like you were ready for trial?

16 A Well, I thought so but he said I wasn't.

17 Q When did he say that? Did he say that in the ten
18 meetings?

19 A He said at the time -- when I came into the county I
20 was put on medication so I was real agitated and things
21 like that. So when I would talk to him I would get very
22 upset like he wasn't listening to what I was saying and so
23 he probably wasn't ready.

24 Q Okay. And I guess going back to what you said
25 earlier, y'all didn't discuss the elements of these crimes

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1 that you were charged with?

2 A No, he did not.

3 Q During any of these meetings?

4 A No. He was -- like I said, he said the things he was
5 getting in and asking me, and then with the motion of
6 discovery and things they were collecting and things like
7 that, he said he was going to have Barton go out and talk
8 to who I gave him the names to, and that was about it.

9 Q Did you look at discovery with him?

10 A No, I did not. I got my motion of discovery through
11 the -- the investigator brought it to me.

12 Q Did you look at it with the investigator?

13 A No. I looked at that in my room, so when I did see
14 them again I was able to ask them questions.

15 Q Okay. So you looked at it and then asked questions
16 about discovery?

17 A Yeah. Because I was like -- that's when I received
18 the blank statement that they said I gave to them.

19 Q Do you remember him doing that motion pretrial to
20 challenge those statements?

21 A No.

22 Q You don't remember -- it's called a Jackson versus
23 Denno hearing where they went through each of the three
24 statements before trial?

25 A I remember they was doing something. I don't know

BRAQUETTE WALTON - CROSS

1 exactly what was going on, sir. That was my first time
2 being through a trial setting so I know they were going
3 through their little routine things but that's about it.
4 I know they said something about that but I didn't know
5 what that was referring to.

6 Q Your issues with some of the jurors, did you know that
7 at the time?

8 A Yeah, but they still sat.

9 Q Did you tell him?

10 A And it wasn't a handful of them either, when it came
11 down to basically what was left at that point because it
12 was an awful lot of people that stood up with family
13 members, or whatever kind of connection they had that the
14 Judge did rule out.

15 Q And so just so I understand correctly, you're saying
16 there were people who should have been ruled out who were
17 sat in the jury?

18 A Yes, sir.

19 Q And did you tell this to Mr. Smith?

20 A Well, I said something to Anderson, I said something
21 to her because she was the one who sat next to me, but
22 Phil was doing the majority of the jury selection.

23 Q Did you ever think to say something to the Judge or
24 no?

25 A No, sir.

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1 Q Now, did you give -- I guess during any of your
2 meetings did you give Mr. Smith a timeline of the events as
3 far as your side of the story goes?

4 A Yes, sir.

5 Q And you just -- you're saying you just wanted him to
6 present that in a better way?

7 A Well, not just that. But also I know I had stated to
8 him to that and I don't think he went and checked when I
9 told him to. The week prior to all of this I was actually
10 out of work at both of my jobs because of tendonitis. So
11 at Park Pointe Village I was the night nurse and I had to
12 do mercy calls, so therefore me having the tendonitis in
13 my arm I could not do like first aid or CPR. So Neva
14 Lattimore knew about this and she was the one who had me
15 out of work for those couple of days, and I had told him
16 about that but I didn't think he ever checked up or
17 followed up with that because of the things that they said
18 that was done to Ms. Cook. Physically I was not able to
19 have done that.

20 Q But you think he was aware of this during trial?

21 A Yes, I had told him. And also in my statement I gave
22 to the police officers that I had been out of work the
23 week before with tendonitis in both my arms at both of my
24 jobs. I worked at White Oak Manor and I worked at Park
25 Pointe Village.

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1 Q Was that included in the statements that were
2 presented to the jury?

3 A I don't know if they read the first one. But I know
4 in one of my statements I did write that I had been out
5 with tendonitis in my arm.

6 Q Now, as far as handprint and the hair, it came back
7 that it wasn't yours, correct?

8 A That's correct.

9 Q And just to go over a little bit on the plea
10 agreement. You were offered 25 years and you rejected it,
11 and you said that was the Friday before?

12 A That was the Friday of.

13 Q The Friday before trial?

14 A Yes.

15 Q Were you aware of any other plea negotiations?

16 A No, sir.

17 Q Now, you say that he should have submitted and
18 analyzed or at least submitted more of the forensic
19 evidence or lack thereof to the jury?

20 A Yes, sir.

21 Q I just want to make sure I have your allegations
22 clear.

23 A Yes, sir.

24 Q Do you remember during his closing argument
25 essentially saying that there were no forensics that tied

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1 you to that room?

2 A I believe so, I think he did, sir.

3 Q So you would agree that he argued that point to the
4 jury at least during closing?

5 A At closing, at the closing, yes, sir.

6 MR. HUNTER: Beg the Court's indulgence just one
7 second.

8 (Break in proceedings.)

9 Q I just want to clear up, you said he was more worried
10 about your forgery charges than the bigger charges at least
11 during your meetings with him?

12 A Well, with my meetings with him. That's because I
13 was like, you know -- he was bringing the checks, okay,
14 but what's going on with the murder charge? What's going
15 -- and I never got any clarification on that.

16 Q Did you ever ask him what was going on?

17 A Actually I think I asked and he said he was waiting
18 on some other stuff, you know, trying to get everything
19 together and all of the facts straight, and I was like,
20 okay.

21 MR. HUNTER: No further questions.

22 THE COURT: Anything on redirect?

23 MS. MOODY: No, sir, Your Honor.

24 THE COURT: You can step down. Do you have an
25 additional witness?

PHIL SMITH - DIRECT

1 MS. MOODY: No, sir, Your Honor.

2 THE COURT: State's case.

3 MR. HUNTER: The State would call Phil Smith.

4 The witness, PHIL SMITH, was first duly sworn and
5 testified as follows:

6 DIRECT EXAMINATION

7 BY MR. HUNTER:

8 Q Would you please state your name for the record?

9 A Phil Smith.

10 Q Where do you currently work?

11 A The York County Public Defender's Office.

12 Q Is that where you were working in 2012?

13 A Yes, it is.

14 Q I guess can you just start off giving a brief
15 background of how you became involved in this case.

16 A Yes. Our office was appointed to represent Ms.
17 Walton, they indicated to me that I would be handling the
18 case. And she describes a meeting very early before we
19 really had anything, obviously this type charge hits the
20 newspaper. We had heard that this occurred so I went and
21 met with her when she had not been in jail very long to
22 just sort of tell her don't talk anymore if you have given
23 statements, some sort of basic things about court and to
24 let her know I would be handling her case and if she
25 wanted to contact somebody, and we were able to meet her

PHIL SMITH - DIRECT

1 family, some of whom who are here today.

2 Q And at that point I think is the best way to put this,
3 was she charged with everything at that point?

4 A No, she was not. As she described, she was
5 originally charged with forgeries and the murder, and then
6 later the charge of burglary came and the charge of abuse
7 neglect resulting in death came as a direct indictment
8 citing the same warrant number as the murder.

9 Q So I guess essentially you represented her throughout
10 as all of these indictments are coming in?

11 A That's correct.

12 Q Can you just describe your meetings with her regarding
13 offering the elements of these charges?

14 A It would been mixed in. At the time, as Ms. Walton
15 described, sometimes she would get very emotional, at
16 times it would be mixed in when we were going over things
17 of certain parts of discovery. She described that her
18 preference was to take her discovery and read it alone.
19 She did not like to sort of go back and forth about
20 specific things, but we would go through forgeries at the
21 time and show her checks, talk to her about those. She's
22 a smart lady, she understood what basic murder meant. The
23 burglary discussion that she talks about was sort of
24 interesting because I think it's sort of a unique theory
25 for the State here in this case, because they put together

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1 if you see from the transcript sort of different
2 arguments. They try to say at some point she went into
3 the room and tried to just sort things out with Ms. Cook
4 but then got upset and then allegedly killed her. Well,
5 that doesn't work for the burglary. So she is correct
6 that I discussed that they would have to do some bending
7 to get that in front of the jury. And there was the fact
8 that she works at that location so she did have permission
9 to be in those premises. But I ultimately would have told
10 her, yes, that it would have been the entry into a premise
11 with the intent to commit a crime therein. Same thing
12 would have applied to the latest direct indictment, the
13 abuse and neglect resulting in death, because there's
14 potentially, although the Court's did not agree with me,
15 an inconsistency with how one both murders someone and
16 someone simply neglects them to the point that they die.

17 Q Just to clear up, you brought up that inconsistency to
18 the Judge, correct?

19 A Yes. I lost, but yes.

20 Q Can you go over, I guess, the discovery, how it came
21 in and your sharing it with her?

22 A Yes. It comes in -- Mary Collins from the
23 solicitor's office tends to be the one who sort of
24 forwards all of that to us. We don't get a whole lot at
25 first, then we get one big packet. Like Ms. Walton talks

PHIL SMITH - DIRECT

1 about, the first thing I had gotten were some of the
2 checks and we had talked about those. The big packet came
3 in, I discussed some of that with her, she indicated she
4 would review it, wanted to see it, and as she mentioned,
5 Barton O'Kelly, who was our investigator, did take the
6 packet down there to her and she reviewed it, and she
7 would come forward with some questions she would have at
8 times about certain items or certain thing. But she was
9 given discovery in that large packet, and then if we would
10 get something new we would go down and meet with her about
11 that as well.

12 Q And even though if she had it about herself, did you
13 make sure that she understands what was going on?

14 A She understood. Now, I can't say to you that I was
15 in front of her with every page, there were times that
16 that was not beneficial and that that was done. But she
17 was certainly provided full discovery and I believe I had
18 full discovery and we were able to go through them.

19 Q Was there anything missing in discovery you thought
20 should be there or she thought should be there, or do you
21 feel like the State fully complied?

22 A No. The missing item would be, as she refers to, she
23 was describing for us a key access card as being different
24 than an ID and she brought that up, and she did make a
25 request -- she thought that it was on the back of a chair,

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1 I wasn't clear if she was talking about the nursing
2 station at that point but it potentially still left at the
3 place of business. So Barton O'Kelly, I went and Ashley
4 Anderson went, we toured the facility and asked if there
5 were any of her properties left there, there were not. We
6 saw the chair where she thought it might have been left
7 and it was not there, but I can't say that's missing
8 discovery because I don't know that anybody in law
9 enforcement would have known to have looked for that.

10 Q But you followed up on what was going on?

11 A Yes, sir.

12 Q Can you discuss the plea agreements, or plea
13 negotiations with the State?

14 A I can. As is the case in any case I talked with my
15 client even before any offers come in about what are their
16 desires, what do they hope to do with the case and these
17 sort of things. Ms. Walton did not want to plead in this
18 case, maintained her innocence pretty vehemently anytime
19 that would be brought up, but here she references two
20 different sort of discussions. In part she talks about me
21 wanting her to plead to the forgeries and being hard on
22 her about the forgeries, the reason for that, and I think
23 you can see from the transcript, is the State spends a lot
24 of time on the forgeries at trial because that's easy for
25 them to prove, there's a lot of proof that they can do

PHIL SMITH - DIRECT

1 about that. And I think strategically we would have been
2 in a much better position had we simply pled to the
3 forgeries so it would not have looked like they had a lot
4 of proof, because they didn't have DNA, they didn't have a
5 fingerprint, they didn't have a lot of the things that one
6 might expect in this type case. You can see that
7 referenced early on in the transcript before trial begins.
8 Judge Hayes enters the courtroom and says, "Mr. Smith, is
9 there something I understand regarding the forgeries?"
10 And I say, "No, Your Honor, she pleads not guilty to
11 those." So we were discussing possibly having her plead
12 to the forgeries as a strategic reason to make what I
13 believe the defense better and the case less damaging
14 against her. The other offer is a different issue. She
15 discussed a late offer that comes from the State regarding
16 the allowing her to plead just to the abuse neglect
17 resulting in death. That's true, it did come late,
18 however -- and I understand she's emotional and gets
19 confused, but as she referenced she's aware of that case
20 the week before because that's when -- that charge the
21 week before because that's when we're talking about the
22 possible plea deal that they were doing, so that's how I
23 know that she was aware of that charge by them. But the
24 offer was for 25 years, which is obviously a large number.
25 She did not want to accept that offer, did not want to

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1 accept the offer. I personally did not push it much
2 further at that point. But I know that my investigator,
3 Barton O'Kelly, had talked with her a number of times as
4 she indicates about pleading to that, the forgeries, or
5 trying to work some other potential deal out, but she
6 didn't really want to plead.

7 Q Okay. I guess just to clarify that, were there any
8 plea offers from the State early on that were not conveyed?

9 A No.

10 Q I believe you heard her issue about the jurors. Were
11 you aware of any potential jurors that should not have been
12 seated?

13 A I was, she described sort of two different things.
14 Again, the first was persons who have parents or family
15 members in nursing homes or in full-time care, and there
16 were a number of jurors that stood for that, one of whom
17 said that -- I forget if it was a he or she -- could not
18 be fair or impartial but that juror was stricken. Now,
19 I'm not sure to Ms. Walton if it would have looked like
20 that based on how the juror strike was done, but that
21 juror was not allowed to come forward and that juror
22 certainly was not sat. The next issue would have been
23 pretrial publicity. As Ms. Walton talks about, this
24 happened just down the road and was a nursing home in the
25 area, and that's where she refers to six jurors standing,

PHIL SMITH - DIRECT

1 I believe that's page 34 of the transcript. But one of
2 those jurors, the last one says she cannot be fair and
3 impartial and that juror is stricken from the panel as
4 well, the other issue occurs on page 26.

5 Q Okay. So essentially did you feel like there were any
6 jurors sitting here who should not have been there that you
7 should have objected to?

8 A Difficult question. I think under the law all of the
9 jurors that came forward were allowed to be presented.
10 The Judge did mention that he was sort of surprised how
11 few stood up that they had heard publicity in this case,
12 but as I understand the standard of the way the inquiry
13 was done it was done according to the law, and according
14 to the law I think the jurors that were presented were
15 appropriate.

16 Q So legally do you feel like you had a winning
17 objection if you were to object to some of these jurors?

18 A No. I made the motion for a change of venue and that
19 was when we would first have to show that we couldn't
20 impanel a jury and that portion failed.

21 Q Could you go over briefly the defense strategy and if
22 you explained that to Ms. Walton?

23 A Yes. And part of this would come when I would ask
24 her, "What are we going to argue?" Because she would say
25 she didn't do it and I would start to point out some

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1 things that would frustrate her that I thought would look
2 bad in front of a jury. And she describes a scenario -- I
3 believe she described it as a mock scenario. We had
4 another attorney from our office who was not working in
5 the case come down to sort of play the role of the
6 prosecutor and to show her what it would be like on cross
7 examination, and that did not go well, so she was
8 resistant to that. She would tell us we were the lawyers.
9 And what we had come up with were -- and she would say
10 there's no DNA, basically it was a reasonable doubt
11 argument, that if all of this went on you would expect
12 there to have been some sort of fiber, some sort of hair,
13 some sort DNA, some sort of fingerprint, some sort of
14 something forensically that would tie either Ms. Cook to
15 Ms. Walton or Ms. Walton to Ms. Cook, and it was our
16 contention that that didn't exist. And so that was
17 ultimately the defense that you see that we put up in the
18 transcript.

19 Q Did you feel like that was a pretty strong defense?

20 A I did at the time. Rereading closing I'm happy with
21 how that goes. It's just an emotional case like this that
22 deals with an elderly person being harmed allegedly by a
23 person who is in custody or assigned to give them care, it
24 brings up some emotional issues that always scare you as a
25 defense attorney that the jurors are going to be swayed

PHIL SMITH - DIRECT

1 by.

2 Q Regarding this handprint and the hair that came back
3 as not hers, correct?

4 A Correct. And you are correct, for a defense that's
5 great. I don't have any way of determining whose it is
6 because I don't have to test anybody. You hear me sort of
7 hinting in the transcript that possibly blaming another
8 person for it. Even though there's no evidence for that I
9 do think that sometimes that's a successful defense
10 strategy, because if there is a dead body jurors want to
11 think someone is going to get punished. So if you can
12 give them here is a person who would have access who knew
13 of some of these things, yet they never tested that hair
14 or that print against him, "Hmm, I wonder why," was part
15 of a theory that was put forth.

16 Q Just to clarify, you made a proper Jackson versus
17 Denno motion at the beginning.

18 A I did. I did not win them, but yes, I made it. And
19 there are sort of three different statements is the way
20 the Court phrased them that we moved to suppress. She
21 talks about parts being kept out that were ruled
22 self-serving, and then the final two coming in over my
23 objection, and I renewed those at the DV stage and it was
24 denied.

25 Q Now, as far as -- and I hate to back up again -- to

PHIL SMITH - DIRECT

1 the handprint and the hair, was it ever your strategy to
2 find out whose exactly those were? Do you feel like you
3 should have submitted those for extra testing?

4 A Well, no, because I don't know who I would submit it
5 to. And then two, the answer you get might be something
6 innocuous that would disprove this potential unknown,
7 which is often a better defense strategy. So even if I
8 would have known who we would submitted it to I probably
9 wouldn't because what we had was better.

10 MR. HUNTER: No further questions.

11 THE COURT: Cross?

12 MS. MOODY: Thank you, Your Honor.

13 CROSS EXAMINATION

14 BY MS. MOODY:

15 Q Mr. Smith, did you have an opportunity to talk to any
16 of the potential witnesses?

17 A She mentioned family members, I spoke with family
18 members. The other two witnesses she mentioned were
19 spoken to by Barton O'Kelly by maybe Ashley Anderson, I'm
20 not positive on that, but the two males that she mentioned
21 were spoken to.

22 Q What did you learn about the witnesses? Didn't you
23 use those witnesses?

24 A There's a hole in the alibi -- potential alibi
25 timeline that would coincide with when they were alleging

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1 that this would occur. So those witnesses would have been
2 able to explain where she was when this murder wasn't
3 going on, but would not have been able to explain where
4 she was when allegedly this was going on.

5 Q Did you discuss that with Ms. Walton?

6 A Yes.

7 Q Did she appear to understand that?

8 A She didn't want to understand that.

9 Q What do you mean?

10 A She would get upset and be bothered by that, but I
11 believe she would understand that, yes.

12 Q As to the meds that the decedent -- you heard
13 testimony about time release meds. What, if any, research
14 did you all do in that regard?

15 A I don't recall doing any.

16 Q Why is that?

17 A I did not view that as an issue in the case. I heard
18 Ms. Walton testify to it here today, but even there it
19 brings up a problem because the time release. And then
20 there was food in her stomach as well so that wouldn't
21 decompose, so you then start pushing contrary arguments
22 into a timeline that's not going to help us. So no, I did
23 not do that nor did I think it was an issue.

24 Q So did you all discuss -- I mean when you talked to
25 Ms. Walton about the defense and going through the mock

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1 trial and all of that, did you explain to her the pros and
2 cons of this particular case, how it looked from your
3 standpoint?

4 A Yes, ma'am. I told her the difficulties I thought I
5 had as did Mr. O'Kelly, Ms. Anderson and the attorney that
6 we brought in as well.

7 Q And what was her response to that?

8 A She would get upset.

9 Q So as far as like, you know, you talked about the
10 juror selection and presenting a defense, and the plea
11 agreement, do you feel like you explained the plea
12 agreement to her for her to understand that she was looking
13 at a lot of time in this case?

14 A Oh, yes.

15 Q And when you say oh yes, what -- how are you certain
16 that you explained it to her well enough to understand that
17 that was --

18 A I told her murder carries life.

19 Q Did she appear to understand that?

20 A Yes.

21 Q And on that Friday before where you talked to her
22 about a plea offer, this 25 years, what was the
23 understanding as far as -- what did you explain to her
24 about the forgery charges and all of the other charges that
25 came along with her case? Did you explain to her that

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1 those charges would be dismissed?

2 A I don't have independent recollection of whether they
3 would be dismissed or run in, but I knew that it would not
4 give her more than 25 years. So I don't want to say I
5 told her that they would or would not go away, but
6 obviously I would have told her that they wouldn't have
7 exceeded the agreement.

8 Q So the offer was a cap of 25 or it was just 25?

9 A Twenty-five.

10 Q Did you have an opportunity to discuss these charges
11 or this case with her family members?

12 A Yes.

13 Q And what, if any, discussions took place?

14 A You mean during the trial? We were able to speak
15 with her mother. Her mother stays in constant contact,
16 does a lot of work for her throughout so we would have her
17 up to date on potential charges, what she could be facing,
18 when trial is coming, what's going on, all of those
19 things. I may not be answering your question.

20 Q You're answering it.

21 A Right. She would have been kept informed as to when
22 as well as some of our potential fears and those type
23 issues with these charges.

24 Q Is there anything you felt like Ms. Walton didn't
25 understand?

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1 A No. At times she would be frustrated or upset or
2 something like that and we may not have gotten through
3 everything we wanted to get through. But no, I never
4 thought that she was -- she's smart. Now, she did choose
5 to stay isolated and segregated at the detention center
6 some long period of time, which I think is damaging
7 emotionally to anyone down there, but I don't think it
8 made her not understand, but it did concern me for how she
9 was doing.

10 Q And you offered her the opportunity to take a
11 polygraph.

12 A That's correct.

13 Q And why did you offer her that?

14 A I was hopeful, particularly given my early meetings
15 with her, that she was going to pass it, and had she
16 passed it I would have used it potentially two-fold.
17 First I would have probably then, depending on the result
18 and how she passed, thought about having her submit to a
19 state polygraph. Had she done that I would have
20 potentially made an argument understanding if the results
21 themselves could not have been introduced, perhaps her
22 willingness to take one could have been, or just to take
23 the polygraph to show the solicitor during plea
24 negotiations, "Come on, it doesn't look like she did it,
25 just look at this test she has taken. You really don't

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1 have any forensics. Can't we get a better plea offer or
2 something dismissed?"

3 Q And what happened -- did you discuss that with she and
4 her mother or just her?

5 A Well, as far as whether or not she was going to take
6 it was largely with her and ultimately she decided not to.
7 It sort of surprised me but she decided not to.

8 Q Why did you say it surprised you?

9 A I just thought she wanted the polygraph so we had
10 gotten that arranged.

11 Q So as far as what the State's position was, what was
12 their position in terms of offer and pleading and a plea
13 agreement in this case? I understand that it came at the
14 last minute with 25 years and then you wanted her to plead
15 to the forgery charges, were they of the mind to give a
16 plea offer or --

17 A I certainly told them that she didn't seem like
18 someone who wanted to plead to me and they certainly
19 indicated based upon this case they didn't think they were
20 going to be giving any kind of offer ever. So the 25
21 years was some sort of late attempt to see if trial could
22 be avoided, but I don't think that was ever going to work.

23 MS. MOODY: No further questions for this witness,
24 Your Honor.

25 THE COURT: Any redirect?

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1 MR. HUNTER: Nothing else.

2 THE COURT: Good to see you Mr. Smith, you are free to
3 go. Any additional witnesses from the State in this case?

4 MR. HUNTER: No, Your Honor.

5 THE COURT: Anything in reply?

6 MS. MOODY: No, sir Your Honor.

7 THE COURT: I think I understand what the issues are
8 in this case, the Court will take it under advisement and I
9 will get you all an order as soon as possible, hopefully
10 tomorrow.

11 (End of the hearing.)

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1 I, the undersigned, Michael C. Watkins,
2 Official Court Reporter for the Sixth Judicial
3 Circuit of the State of South Carolina, do hereby
4 certify that the foregoing is a true, accurate and
5 complete transcript of the proceedings had and
6 evidence introduced in the trial of the captioned
7 case relative to appeal in the Court of Common Pleas
8 for York County, South Carolina, on the 19th day of
9 April, 2016.

10 I do further certify that am neither of kin, counsel,
11 nor interest to any party hereto.

12

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October 3, 2016

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Michael C. Watkins

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Court Reporter

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STATE OF SOUTH CAROLINA)
COUNTY OF YORK)

Braquette Walton,
S.C.D.C. No. 353118,

Applicant,

v.

State of South Carolina,

Respondent.

IN THE COURT OF
OF THE SIXTEENTH JUDICIAL CIRCUIT

2015-CP-46-889

ORDER OF DISMISSAL

FILED-RECEIVED
2016 JUL 13 PM 3:45
DAVID HAMILTON
C.C.P. & GS
YORK COUNTY, SC

This matter comes before the Court by way of an Application for Post-Conviction Relief (PCR) filed March 24, 2015. Respondent made its Return on or about August 6, 2015. An evidentiary hearing into the matter was convened on April 19, 2016, at the Moss Justice Center in York, South Carolina. Applicant was present at the hearing and represented by Leah Moody, Esquire. Justin Hunter, Esquire, of the South Carolina Attorney General's Office represented Respondent. At the hearing, Applicant testified on her own behalf. Applicant's trial counsel, Phil Smith, Esquire, also testified. This Court had before it a copy of Applicant's records from the York County Clerk of Court, Applicant's records from the South Carolina Department of Corrections, the trial transcript, Applicant's PCR Application, and Respondent's Return.

I. PROCEDURAL HISTORY

Applicant is presently confined in the South Carolina Department of Corrections pursuant to orders of commitment of the York County Clerk of Court. On February 16, 2012, a York County grand jury indicted Applicant for murder (2012-GS-46-865), exploitation of a vulnerable adult (2012-GS-46-866), four counts of forgery and uttering (2012-GS-46-868, -869, -870, -871), and abuse or neglect of a vulnerable adult resulting in death (2012-GS-46-883). On August 16, 2012,

indicted

867, -3016, -3017, -3018) and burglary in the first degree (2012-GS-46-3015).

The State called the case for trial on October 29, 2012 before the Honorable John C. Hayes, III and a jury. Phil Smith and Ashley Anderson, Esquires, represented Applicant. The jury found Applicant guilty on all counts. Judge Hayes sentenced Applicant to life imprisonment for murder, to thirty years' imprisonment for burglary, to five years' imprisonment on each count of forgery and uttering, and to five years' imprisonment for exploitation of a vulnerable adult. He ordered all of the sentences to run concurrently.

Following the trial, Applicant made a motion concerning the legality of the conviction for abuse or neglect of a vulnerable adult resulting in death. On November 5, 2012, Judge Hayes reconvened the matter to consider Applicant's motion concerning the conviction of abuse or neglect of a vulnerable adult resulting in death. Judge Hayes denied Applicant's motion and determined that she could be convicted and sentenced for both murder and death of a vulnerable adult based on abuse and neglect. Thereafter, Judge Hayes sentenced Applicant to thirty years' imprisonment for abuse or neglect resulting in death of a vulnerable adult and ordered the sentence to run concurrently with all other sentences.

Applicant timely filed a notice of appeal and the appeal was perfected by Appellate Defender Susan B. Hackett filing a brief pursuant to Anders v. California, 386 U.S. 738 (1967). Applicant filed a pro se response. By an unpublished opinion filed November 5, 2014, the South Carolina Court of Appeals dismissed Applicant's appeal. 2014-UP-377. The Remittitur was sent November 21, 2014.

PCR Application

On March 24, 2015, Applicant filed an application for post-conviction relief, alleging the following grounds:

1. Ineffective Assistance of Counsel
 - a. "Failure to research law."
 - b. "Failure to submit or object jury charge."
 - c. "Failure to develop and present defense."
 - d. "Failure to make proper motions."
 - e. "Ineffective agreement."
2. Newly Discovered Evidence
3. Failure to grant change of venue

II. APPLICABLE LAW

In a post-conviction relief action, the applicant bears the burden of proving the allegations in their application. Butler v. State, 286 S.C. 441, 334 S.E.2d 813 (1985). Where the application alleges ineffective assistance of counsel as a ground for relief, the Applicant must prove that "counsel's conduct so undermined the proper functioning of the adversarial process that the trial cannot be relied upon as having produced a just result." Strickland v. Washington, 466 U.S. 668, 104 S. Ct. 2052, 2064, 80 L.Ed.2d 674, 692 (1984); Butler, 334 S.E.2d 813.

The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. The courts presume that counsel rendered adequate assistance and made all significant decisions in the exercise of reasonable professional judgment. Strickland, 466 U.S. 668. Applicant must overcome this presumption in order to receive relief. Cherry v. State, 300 S.C. 115, 386 S.E.2d 624 (1989).

Courts use a two-pronged test in evaluating allegations of ineffective assistance of counsel. Id. at 117, 386 S.E.2d at 625. First, the applicant must prove counsel's performance was deficient. Id. Under this prong, courts measure an attorney's performance by its "reasonableness under prevailing professional norms." Id. (citing Strickland, 466 U.S. at 688). Second, any

deficient performance must have prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." Id. at 117-18, 386 S.E.2d at 625.

III. FINDINGS OF FACT AND CONCLUSIONS OF LAW

This Court has reviewed the testimony presented at the evidentiary hearing, observed the witnesses presented at the hearing, passed upon their credibility, and weighed the testimony accordingly. Further, this Court has reviewed the Clerk of Court records regarding the subject convictions, the trial transcript, Applicant's records from the South Carolina Department of Corrections, the application for post-conviction relief, and the legal arguments made by the attorneys. Pursuant to S.C. Code Ann. § 17-27-80 (2003), this Court makes the following findings of fact based upon all of the probative evidence presented.

As a matter of general impression, this Court finds Counsel's testimony to be credible and persuasive on all matters. These credibility findings have been applied to the Court's findings and conclusions set forth below.

Ineffective Assistance of Counsel

Trial Counsel was ineffective for failing to research Applicant's case.

Applicant testified that she met with Counsel seven to ten times before trial for about thirty minutes each time. She testified that she went over the discovery by herself and asked Counsel questions. Applicant testified that she was never told the elements of her burglary first-degree charge. She testified that she was not aware that she was being charged with neglect of a vulnerable adult resulting in death. She further testified that Counsel should have researched the Victim's medical history because her medication was on a time-release that would have helped determine a time of death. She testified that she did not discuss this with Counsel before or

during trial. Applicant also testified that Counsel failed to investigate an issue with her time card, because her time card was not a card that would give her access to the facility.

Counsel testified that he received the full discovery as it came in and believed that Applicant understood the evidence against her. He testified that he checked on the issue of Applicant's time card but it was not a pertinent issue. He testified that he went over the elements of burglary first-degree and abuse or neglect of a vulnerable adult resulting in death. Counsel further testified that the time-release medication concern was not an issue in Applicant's case and would not have helped. Counsel testified that he discussed the pros and cons of Applicant's case with her and she got upset.

This Court finds that Counsel demonstrated the normal degree of skill, knowledge, professional judgment, and representation that are expected of an attorney who practices criminal law in South Carolina. State v. Pendergrass, 270 S.C. 1, 239 S.E.2d 750 (1977); Strickland, 466 U.S. at 668; Butler, 286 S.C. 441, 334 S.E.2d 813. This Court finds that Counsel took all the necessary steps to ensure that Applicant was well-informed of the State's case against her and of the elements of the charged crimes. This Court finds that Counsel reviewed discovery and conducted proper investigation to aid in Applicant's defense. Applicant has failed to meet her burden of proving that Counsel's performance was deficient in this regard. Additionally, Applicant has failed to show that the outcome of her trial would have been different had Counsel researched Applicant's case in a different manner. Accordingly, this allegation must be dismissed.

Tri

Applicant testified that Counsel was ineffective for failing to object to the jury selection because six of the twelve jurors had family in assisted living facilities. She further testified that

one juror told the court that he could not be fair. Applicant testified that she did not tell Counsel about this issue at the time.

Counsel testified that one juror that Applicant had an issue with was stricken from the jury and another juror who could not be fair or impartial was also stricken from the jury pool. He testified that all seated jurors were appropriately seated under the law. The record reflects that only one juror who had family in an assisted living facility said that she could not be fair or impartial and that juror was excused. See Trial Transcript 26, 11.1-8. Additionally, nine jurors who indicated that they had family in an assisted living facility and could be fair and impartial were part of the final jury list and Counsel used a strike on four of them. No jurors who could not be fair or impartial were seated.

This Court finds that Counsel was not deficient in regard to the jury selection process. This Court finds that no juror was seated who indicated that he or she could not be fair or impartial. "[A] criminal defendant has no right to a trial by any particular jury, but only a right to a trial by a competent and impartial jury." Palacio v. State, 333 S.C. 506, 517 S.E.2d 68 (1999). To the extent that Applicant alleges that Counsel should have used strikes on certain jurors, this Court finds that Applicant has failed to meet her burden of showing that Counsel was ineffective. See Id. (Jury selection is a process that inherently falls within the expertise of counsel and trial counsel is not ineffective for failing to exercise peremptory strike as instructed by applicant).

This Court also finds that Applicant has failed to show that she was prejudiced by Counsel's actions regarding jury selection. "In PCR proceedings, a defendant must provide credible evidence that the trial attorney's refusal to strike a juror prejudiced the defense." Id. Applicant has not provided any credible evidence and this allegation must be dismissed.

Trial Counsel was ineffective for failing to present a defense.

Applicant testified that Counsel failed to present a timeline of her whereabouts around the time of the crime. She testified that she gave this timeline to Counsel but he did not check on it. She testified that she was in the vicinity of the nursing home but not on the premises. She also testified that Counsel should have presented a better timeline of her interaction with the Victim. Applicant further testified that Counsel did not discuss a defense strategy with her and that their meetings were only to collect information. She testified that Counsel should have presented a better defense concerning the fact that a handprint and piece of hair found at the scene was not attributable to her. Applicant further testified that Counsel should have found out exactly to whom the handprint and hair belonged.

Counsel testified that he spoke to all witnesses that Applicant provided to him and checked her alibi timeline. He testified that there was a hole in her alibi timeline which made the witnesses she provided not actually alibi witnesses. He testified that he relayed this information to Applicant. Counsel testified that he reviewed the discovery with Applicant and explained to her the difficulties in her case. He testified that Applicant would get frustrated but that he never thought that she did not understand what was going on in her case. Counsel testified that the handprint and hair was found not to be attributable to Applicant and his defense was that there were no forensics tying Applicant to the crime scene.

This Court finds that Counsel was not ineffective in failing to present a defense. This Court finds, and the record reflects, that Counsel investigated Applicant's case, the potential witnesses, and her timeline of events. "[C]riminal defense attorneys have a duty to undertake a reasonable investigation, which at a minimum includes interviewing potential witnesses and making an independent investigation of the facts and circumstances of the case." Edwards v.

State, 392 S.C. 449, 456, 710 S.E.2d 60, 64 (2011). Applicant has failed to show that any of Counsel's actions were deficient in defending Applicant. She has also failed to show that the outcome of her trial ~~would be~~ ^{likely would have been an} different if Counsel had employed a different defense strategy. Accordingly, this allegation must be dismissed.

Trial Counsel was ineffective for _____ to _____

Applicant testified that Counsel failed to make a motion to keep out her statement because it was used against her and consisted of hearsay.

Counsel testified, and the record reflects, that he made the proper Jackson v. Denno¹ motion to suppress all three statements and a hearing was held. See Trial Transcript 53-153. After the Denno hearing, Counsel again moved to suppress Applicant's second and third statement, however the trial judge allowed in all three statements.

This Court finds that Counsel was not ineffective and made the proper motions to suppress Applicant's statements. As Counsel did make these motions, Counsel was not ineffective and no prejudice can be shown. Accordingly, this allegation must be dismissed.

Trial Counsel was ineffective concerning the plea agreement.

Applicant testified that there was an agreement in place for her to plead guilty to abuse or neglect of a vulnerable adult causing death for twenty-five years. She testified that she did not want to plead and turned down the offer. She testified that there were no negotiations regarding this plea offer.

Counsel testified that Applicant did not want to plead guilty to any charge. He testified that the State spent a longer time negotiating the forgery charges. Counsel further testified that he kept Applicant and her family aware of the twenty-five year offer to plead to abuse or neglect of a vulnerable adult causing death, but ultimately Applicant did not want to accept a plea to this

¹ 378 U.S. 368 (1964).

charge. Counsel also testified that he made Applicant fully aware of the amount of time she was facing if she was found guilty.

This Court finds that Applicant has failed to show that Counsel was ineffective regarding her plea agreement. This Court finds that Counsel made Applicant and her family well aware of the twenty-five year offer to plead to abuse or neglect of a vulnerable adult causing death. It was ultimately Applicant's decision whether or not to take the plea offer and, by her own admission, she declined the offer. This Court finds that Applicant has failed to show that Counsel was ineffective and this Court finds that Counsel provided credible testimony that he relayed the plea offer to Applicant. Additionally, Applicant has failed to show that she was prejudiced by Counsel's actions. Accordingly, this allegation must be dismissed.

Newly Discovered Evidence

Applicant testified that the handprint found at the scene was not hers and this evidence, along with other evidence not submitted, should be analyzed as new evidence.

Counsel testified that the handprint and hair found at the scene was found to be not attributable to Applicant. He testified that there was no conclusive way to determine to whom it belonged.

A defendant requesting a new trial based on after discovered evidence must show that the evidence: (1) Is such as would probably change the result if a new trial was had; (2) Has been discovered since the trial; (3) Could not by the exercise of due diligence have been discovered before the trial; (4) Is material to the issue of guilt or innocence; and (5) Is not merely cumulative or impeaching. Hayden v. State, 278 S.C. 610, 611-12, 299 S.E.2d 854, 855 (1983). The applicant has to meet each prong in order to prevail on this claim. This Court finds that Applicant has failed to show that a new trial is warranted based on newly discovered evidence. The

evidence she refers to was part of the original investigation and available at the time of trial. Additionally, such evidence would not change the result of the trial because it was established by the defense that this print and hair did not belong to Applicant. Thus, Applicant has failed to show that a new trial is warranted based on newly discovered evidence and this allegation must be dismissed.

Failure to grant a change of venue

Applicant admitted in her testimony that Counsel did move for a change of venue but this motion was denied by the trial judge.

Counsel testified, and the record reflects, that he did make a motion for a change of venue but this motion was denied by the trial judge. See Trial Transcript 14-15, 46.

This Court finds that this allegation must be dismissed as Counsel did make a motion for a change of venue and the motion was denied by the trial court. The trial court has the discretion to grant or deny a motion for a change of venue and any allegation of the court's abuse of discretion in this regard is not proper for post-conviction relief. Accordingly, this allegation must be dismissed.

IV. CONCLUSION

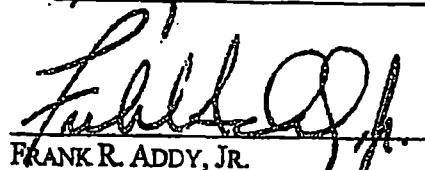
Based on the foregoing facts, the Court finds and concludes that Applicant has not established any constitutional violations or deprivations that would require this Court to grant her application for post-conviction relief. Applicant failed to demonstrate that Counsel's performance was unreasonable under prevailing professional norms. Cherry, 300 S.C. at 117-18, 386 S.E.2d at 625; Stalk v. State, 383 S.C. 559, 563, 681 S.E.2d 592, 594 (2009). Therefore, this application for post-conviction relief must be denied and dismissed with prejudice.

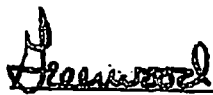
The Court notes Applicant must file and serve a notice of appeal within thirty (30) days from PCR counsel's receipt of written notice of entry of judgment to secure the appropriate appellate review. See Rule 203, SCACR. Pursuant to Austin v. State, 305 S.C. 453, 409 S.E.2d 395 (1991), Applicant has a right to appellate counsel's assistance in seeking review of the denial of post-conviction relief. Rule 71.1(g), SCRCP, provides that if Applicant wishes to seek appellate review, PCR counsel must serve and file a notice of appeal on Applicant's behalf. Applicant is directed to South Carolina Appellate Court Rule 243 for appropriate procedures for appeal.

IT IS THEREFORE ORDERED THAT:

1. The Application for Post-Conviction Relief is denied and dismissed with prejudice; and
2. Applicant shall remain in the custody of the South Carolina Department of Corrections to complete service of her sentence.

AND IT IS SO ORDERED this 4th day of May, 2016.


FRANK R. ADDY, JR.
Presiding Judge
Sixteenth Judicial Circuit

 Greenwood, South Carolina